

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 289/2026

(Standly S/o John Mota Vs. State of Maharashtra & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.K. Maheshwari, Advocate (appointed) for applicant.
Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.
Ms. Sakshi Pathak, Advocate (appointed) for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.

DATED : 07/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 471/2025 registered with Police Station Gondia (City), Gondia for the offence punishable under Sections 137(2), 143, 3(5), 64(2)(m), 65(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case in a nutshell is that on 29/06/2025 Gopal @ Bablu Sharma lodged First Information Report ("FIR") that on 12/06/2025 at 02.00 pm, his sister Isha left the house informing that she is going to Sundarnagar to her friend's house i.e. Anjali

Ramteke. Thereafter, on 28/06/2025, the informant visited Sundarnagar to inquire about his sister, however Anjali said that Isha just left the house. From that time Isha did not return home. After conducting a search, the FIR was lodged against unknown person regarding kidnapping. At the time of lodging of FIR Isha was aged about 15 years, 10 months and 18 days.

4. The learned counsel for the applicant submits that the applicant has not played any role in the entire episode. The allegations against the applicant are frivolous in nature. The case of the prosecution is that he has sold the minor victim to one Atul Sharma who is a resident of Borasia Hinotia, Taluka Borasia, district Bhopal State of Madhya Pradesh for the amount of Rs. 1,40,000/-. He submits that the Lower Court has already released main accused namely Gunjan on the ground that she is of pregnant. Accordingly, he submits that considering the fact that there is no evidence against the applicant, he may be released on bail.

5. On the other hand, the learned APP and the learned counsel for victim – non-applicant No.2 oppose the

application and submit that the applicant is a part of a racket to induce the minor girls and they are sold to the persons who are are not able to get married. They submit that the statement of the victim itself is sufficient to reject the bail application of the applicant. The applicant has played active role which can be gathered from the supplementary statement of the victim. They invited my attention to various other statements, wherein the involvement of the present applicant is shown. Therefore, considering the seriousness of the case and the fact that the applicant is trafficking minor girls, prayer is made that he may not be released on bail.

6. I have considered the rival submissions. On perusal of supplementary statement dated 15/07/2025 of the victim, wherein she has specifically stated that on 17/06/ 2025, two ladies i.e. Gunjan and Mamta have induced her and took her to Bhopal under the pretext of giving a job. Thereafter, accused Gunjan has stated that she will perform her marriage with one boy and it was promised that after some days, said Gunjan will rescue the victim from the clutches of that boy. She also informed that she will be paid for the same and accordingly she will

be back to Gondia. They reached Bhopal Railway Station on 19/06/2025. One agent namely Santosh along with some other persons came to pick up the victim as well as Gunjan and Raj. From there, they were taken to one temple, where the marriage of the victim was performed with one boy namely Atul Sharma. The family of the Atul Sharma handed over amount of Rs.1,40,000/- to Santosh. Said Atul Sharma, after marriage, had sexual intercourse with the minor. It further reveals from the other statements that the applicant is involved in trafficking of minor girls. Considering the seriousness of the offence and there is direct nexus of the present applicant with the alleged crime, I am not inclined to grant bail to the applicant, hence, the application is rejected.

7. Fees of appointed counsel be quantified and paid as per Rules.

(M. M. NERLIKAR, J.)

Gohane