



IN THE COURT OF ADDITIONAL SESSIONS  
JUDGE, KELAPUR, AT KELAPUR, DISTRICT  
YAVATMAL

Special Case No.5/2026

Sonu @ Madhuri Pawan  
Chandekar, Age 27 years,  
Occupation Labour, R/o.  
Rangnath Nagar, Wani, Applicant  
Taluka Wani, District  
Yavatmal

..V e r s u s..

State Of Maharashtra through  
P.S.O PS. Maregaon, Taluka Non-applicant  
Maregaon, District Yavamal

For Applicant}: **SMT.JAISWAL SHITAL PANKAJ,**  
APP for State}: **SHRI. P. A. MANKAR**

ORDER PASSED BELOW EXHIBIT-5

(Date: 08.04.2026)

The present application is filed under Section  
483 of B.N.S.S for grant of bail in crime  
No.357/2025 registered by P.S. Maregaon under  
Sections 137(2), 64, 64(2)(J), 3(5), 143(3) of



B.N.S and section 3(A), 4(1) 6, 16, 17 of POSCO Act.

2. As per the application the applicant is permanent resident of Wani and a respectable woman and law abiding citizen. The report was lodged by the mother of the victim on 21/11/2025 alleging that her daughter had been for catering work on 14/11/2025. Thereafter husband of the informant received call on 19/11/2025 from Police Station Nagada, Ujjain (M.P) where the victim was brought. The victim was kidnapped taken to M.P and thereafter victim was brought from Nagada (M.P) to Maregaon Police Station on 23/11/2025 and thereafter came to know that one Mahesh Gujarwadiya forcibly had physical relation with that victim. The applicant/accused produced before the Magistrate Court and was taken in Magisterial Custody. The allegations made against the applicant is false, baseless and she had never taken victim to Ujjain (M.P) nor committed any offence. Offence under section 137(2) of B.N.S having maximum



punishment of seven years and not capital punishment and she is only earning members of the family having 6 years old daughter and therefore she will not abscond in case she is released on bail on imposing condition and prayed for allowing the application. As per the applicant this is her second bail application. Previous application was rejected and as there is change in circumstance as the charge sheet is filed in which there is no material against the accused as well as the medical reports of the victim is in negative which prima facie shows the allegations made against the present accused are not made out. Moreover, she is suffering from sickle-cell and for that reason she need medical examination and further treatment and therefore, as the same is not available in the jail and prayed for allowing the application.

3. The say of I.O and victim was called. The I.O filed say at Ex.6 in which it is contended that even though the accused is not directly involved for the commission of any sexual offences against the



victim, but as she is involved in the commission of the said offence and therefore, she is charged under section 16 and 17 of the POSCO Act. It is also contended that there are other accused involved in the present crime and they are yet to be arrested and in case the accused is released there may be dispute between the victim and the accused and therefore, prayed for rejecting the application.

4. The victim and the informant jointly filed the say at Ex.7 in which it is contended that in case the accused is released she may commit similar type of offences and therefore, prayed for rejecting the application.

5. Heard counsel for the applicant/accused Smt. S.P. Jaiswal and learned APP for the State Shri. P.A. Mankar. Perused record.

6. The previous application of the applicant was rejected on 12/01/2026 later on after the investigation the charge-sheet came to be filed on



17/01/2026. That means after rejection of the previous application the charge-sheet came to be filed and thereafter considering the same as change of circumstance the present application for bail is filed on 16/02/2026.

7. On perusal of the charge-sheet, it came to be filed only against the present accused whereas as per the charge-sheet it appears that there are other four to five accused and they are not yet arrested by the I.O. Only in the present case the present accused was arrested on 23/12/2025. Regarding the other accused the I.O has reserved his right to file the charge-sheet in due course after the investigation.

8. As far as implication of section against the present accused, she was charged under B.N.S and POSCO. As far as charges under POSCO Act are concerned, only section 16 and 17 are attracted against the present accused i.e. abatement of an offence and punishment for the said abatement. As far as the charges under B.N.S are concerned



section 64, 64(2)(J) are not attracted, but section 137(2) of B.N.S i.e. punishment for kidnapping is having punishment extent to 7 years whereas section 143(3) of B.N.S is concerned it is pertaining to involvement in trafficking one or more person. It appears that this section i.e. 143(3) B.N.S will not be attracted against the accused in fact Section 143(4) of B.N.S which speaks about involvement for trafficking of child having punishment of not less than 10 years but may extent to imprisonment will be attracted.

9. Considering the medical ground as raised in the application the report of the Superintendent Jailer Class-I, Yavatmal was called in which it was mentioned that from 11/02/2026 to 18/02/2026 the accused was admitted in the Government Hospital Yavatmal as indoor patient and in the discharge card endorsement "AFI evaluation" is mentioned. The M.O has given his remark regarding the same as mentioned by the jailer but had contended that the health of the patient is stable.



10. That means the medical report do not support the contention of the applicant/accused that she is suffering from sickle-cell and therefore, immediate treatment is required which is not available or the jail authorities are not in a position to provide the same.

11. In the present case, there are other accused involved other than the present application muddamal of the victim are sent for chemical analysis. It appears that unless and until other accused are arrested and brought before the court, considering the allegations made against the accused the trial against the sole accused cannot be conducted.

12. Looking to the seriousness of the offence and the fact that the accused was working in a Syndicate and number of persons are involved in which trafficking of minor girl was done from Wani to the place in Madhya Pradesh, possibility cannot be ruled out that in case the present accused is



released on bail she will not commit or will not be involved in commission of similar type of offences. The offence charged against the accused certainly involves a life imprisonment which makes the offence more grave and severe in nature in which the woman is involved in trafficking of a minor girl to another state. Therefore, the contentions made in the application regarding the involvement of other accused and her release on medical ground will not be justified looking the seriousness of the offence and the maximum punishment provided. Already in this case charge is framed against the accused and the trial is likely to start. Therefore, I **reject** the application and pass the following order:-

ORDER

Bail application Exhibit-5 stands rejected.

KELAPUR  
DATE: 08.04.2026

(M.A. Kothari)  
Additional Sessions Judge  
Kelapur