

VERDICTUM.IN

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1041 OF 2024)

SANJAY

APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

W I T H

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1042 OF 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1044 OF 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1045 OF 2024)

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1046 OF 2024)

A N D

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRIMINAL) NO. 1047 OF 2024)

O R D E R

1. Leave granted.
2. Heard Ms. Aparna Bhat, learned senior counsel appearing for the appellant (informant). Also heard Mr. Garvesh Kabra, learned counsel appearing for the respondent - State of Uttar Pradesh.
3. The office report dated 23.09.2024 indicates that service is complete on the accused (respondent No. 2) in all the cases but none has entered their appearance.

4. These matters arise out of the common FIR No. 193 of 2023 registered under Section 363 of the IPC relating to the appellant's 4 year old son, who went missing at night. The Police after some investigation noticed that it was a child trafficking case and accordingly added Section 370 (5) of the IPC. Subsequently, chargesheet against 14 accused was filed under Sections 363, 311 and 370(5) of the IPC. The unofficial respondents herein are named as accused in the chargesheet.

5. While challenging the bail orders passed on 04.10.2023, 08.11.2023, 09.11.2023, 12.12.2023 and 15.12.2023, Ms. Aparna Bhat, learned senior counsel submits that these are organised child trafficking cases and the bail for the accused was unmerited.

6. In the counter affidavit filed by the State, it is pointed out that these cases pertain to child trafficking racket involving kidnapping and selling of minor children. The activities of the accused spread across the States of Uttar Pradesh, Jharkhand and Rajasthan. The affidavit also indicates the nature of evidence that has been collected by the Police and it is averred that those will show the complicity of accused.

7. The punishment envisaged in the event of conviction for the charged sections is minimum 14 years which can extend upto life imprisonment. Notwithstanding the serious nature of the crime as also the likely involvement of the accused in the child trafficking racket, we notice from the impugned order(s) that the High Court without considering the relevant parameters in cases of this

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nature, granted bail to the accused.

8. The concerned accused despite service have failed to appear in Court to defend the bail order.

9. We are therefore of the considered opinion that the bail order(s) requires our interference. Accordingly, the impugned orders of the High Court dated 04.10.2023, 08.11.2023, 09.11.2023, 12.12.2023 and 15.12.2023 granting bail to the accused Gudiya Devi, Mahesh Rana, Santosh Saw, Sangeeta Devi, Anuradha Devi & Sunita Devi are set aside and quashed. The appeals are allowed. As the bail is being cancelled, all the accused must immediately surrender. If they do not do so, the Police must take steps to arrest the accused. It is ordered accordingly.

10. Pending application(s), if any, shall stand disposed of.

.....J.
(HRISHIKESH ROY)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
SEPTEMBER 24, 2024.

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ITEM NO.34

COURT NO.5

SECTION II

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1041/2024

(Arising out of impugned judgment and order dated 12-12-2023 in CRMA No. 51022/2023 passed by the High Court of Judicature at Allahabad)

SANJAY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 6941/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 6942/2024 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 1042/2024 (II)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 10554/2024

FOR EXEMPTION FROM FILING O.T. ON IA 10555/2024

IA No. 10554/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 10555/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 1043/2024 (II)

([FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 10549/2024

FOR EXEMPTION FROM FILING O.T. ON IA 10550/2024

IA No. 10549/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 10550/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 1044/2024 (II)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 11097/2024

FOR EXEMPTION FROM FILING O.T. ON IA 11098/2024

IA No. 11097/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 11098/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 1045/2024 (II)

(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 10892/2024

FOR EXEMPTION FROM FILING O.T. ON IA 10896/2024

IA No. 10892/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

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JUDGMENT

IA No. 10896/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 1046/2024 (II)

([FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 9405/2024

FOR EXEMPTION FROM FILING O.T. ON IA 9408/2024

IA No. 9405/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 9408/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 1047/2024 (II)

([FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 9425/2024

FOR EXEMPTION FROM FILING O.T. ON IA 9426/2024

IA No. 9425/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 9426/2024 - EXEMPTION FROM FILING O.T.)

W.P.(Crl.) No. 43/2024 (PIL-W)

(IA No. 24987/2024 - EXEMPTION FROM FILING O.T.)

Date : 24-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Ms. Aparna Bhat, Sr. Adv.
Ms. Rajkumari Banju, AOR
Ms. Karishma Maria, Adv.

Ms. Aparna Bhat, Sr. Adv.
Mr. Mayank Sapra, AOR
Ms. Lalima Das, Adv.
Ms. Karishma Maria, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Ms. Swati Ghildiyal, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Saurabh Pandey, Adv.
Ms. Mani Munjal, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Garvesh Kabra, AOR
Mr. Abhishek Jaju, Adv.
Mrs. Pooja Kabra, Adv.
Mrs. Sujata Upadhyay, Adv.
Mr. Avanish Deshpande, Adv.

Mr. Sunny Choudhary, AOR
Mr. Sarad Kumar Singhania, AOR
Ms. Alpana Sharma, Adv.

Mr. Milind Kumar, AOR
Mr. Divyank Panwar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP (Criminal) Nos. 1041/2024, 1042/2024, 1044/2024, 1045/2024, 1046/2024, 1047/2024

1. Leave granted.
2. The appeals are allowed in terms of the signed order. Signed order is placed on the file.
3. Pending application(s), if any, shall stand closed.

SLP (Criminal) No. 1043/2024

As notice could not be served on the accused (respondent No.2), the learned Government counsel prays for and is granted two weeks time to locate the accused and serve him notice of the present proceeding.

WP (Criminal) No. 43/2024

1. Heard Ms. Aparna Bhat, learned senior counsel appearing for the petitioner. The Union of India is represented by Ms. Aishwarya Bhati, learned ASG. Mr. Garvesh Kabra, learned counsel appears for respondent No. 2 - State of Uttar Pradesh. Mr. Sarad Kumar Singhania, learned counsel appears for respondent No. 4 - State of Madhya Pradesh. Mr. Milind Kumar, learned counsel appears for respondent No. 5 - State of Rajasthan.
2. This Writ Petition is concerned with the plight of children who are victims of organised child trafficking racket spread across

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multiple States in the country. Young children from vulnerable families are kidnapped and sold to traffickers who work on a network basis.

3. Ms. Aparna Bhat, learned senior counsel submits that multiple FIRs have been filed in different States which would indicate a well entrenched inter-state network of child trafficking. There are people who are tasked to identify vulnerable children and to arrange for their trafficking and eventual exploitation. The picture given in the Writ Petition raises serious issues.

4. The Ministry of Home Affairs, Government of India had filed an affidavit on 23.09.2024. The same is taken on record. The affidavit indicates the advisories issued by the Ministry of Home Affairs to all the States and the Union Territories on 25.06.2013 to address the 3 specific aspects of trafficking i.e., prevention, protection and prosecution. Special financial assistance is also provided by the Union Government to the States/Union Territories, for upgrading/setting up of the Anti-Human Trafficking Units covering all the districts in the country. Coordination with all the stakeholders on regular basis is also mentioned in the counter affidavit. In fact, a national level communication platform called the Crime Multi Agency Centre (Cri-MAC) was launched in the year 2020 which facilitates dissemination of information, *inter alia*, about child trafficking crimes, on real time basis.

5. At this point, the results of the coordinated efforts made by the Union Home Ministry with the States and the Union Territories are not before us. The Union of India should therefore coordinate

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with all the stakeholders, collect and collate data on the issues noted hereunder and also file the report before this Court:

(i) How many child missing cases have been registered in each District/State since 2020 i.e. when the Cri-MAC was launched?

(ii) From the registered cases, how many children have been recovered within the stipulated period of 4 months and how many are yet to be recovered?

(iii) Whether a functional Anti-Human Trafficking Units in each district is established and if so (number of cases entrusted to the respective Anti-Human Trafficking Units).

(iv) The powers conferred on the Anti-Human Trafficking Units under applicable laws.

(v) The number of pending prosecutions relating to child trafficking cases in each District/State.

(vi) Year-wise data be provided including the steps the respective States intend to take in delayed cases of investigation or non recovery of the missing child.

6. The learned ASG will file a report as above in six weeks. List after six weeks.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR