

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

19. CRI.APPLN/6956/2014 WITH CRI.APPLN/6/2015 WITH
CRI.APPLN/216/2015

MUSKAN W/O RAFIQ SHAIKH
V/S
THE STATE OF MAHARASHTRA

Mr. M.A. Latif, Advocate for applicant in CA No. 6956/14.

Mr. S.A. Gaikwad, Advocate for applicant in CA No. 6/15.

Mr. M.S. Karad, Advocate for applicant in CA No. 216/15.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 2nd March, 2015.

ORDER :

1. All the applications are filed for bail. Both the sides are heard. This Court has perused the papers of investigation. During argument, learned APP submitted that after registration of present crime, one more crime came to be registered against Nazia Begum bearing C.R. No. 300/2014 for similar offences in Daulatbad Police Station. During argument learned counsel Shri. S.A. Gaikwad for applicant Nazia Begum submitted that he wants to withdraw the application of Nazia Begum. This Court expressed that this Court is not inclined to grant relief to her. So, Criminal Application No. 6/2015 is disposed of as withdrawn.

2. The crime is registered on the basis of report given

by one Police Officer Shri. Pawar, who is P.S.I. There was information to police given by the public at large that they had noticed that some prostitution business was going on in the house from their locality. They had taken some action on their own and they had held two ladies and one man. One lady was Muskan, who is a married woman, aged about 20 years and other was the victim girl, who had not completed 18 years of age and third person was customer, Ganesh Jadhav. Police took these persons in custody. During investigation, inquiry was made with the girl and it appears that she was born on 29.8.1997 and she had not completed age of 18 years on the day when the raid was effected.

3. It appears that Nazia Begum alias Shammo aunti had taken rooms on rent basis from the landlord. Muskan was collecting girls, who could have been used for doing prostitution and people of that locality have grievance that they were running virtually brothel house at that place. There are statements of many witnesses to that effect. Against Mustakn, crime is registered for offences punishable under sections 3, 4 and 5 of Prevention of Immoral Traffic Act. Ganesh was present there as customer. There will be statement of the victim girl that Ganesh had come there and he had enjoyed sex with her after

making payment of Rs. 700/-. Before police she gave her age as 18 years though the record is produced to show that she has not completed 18 years of age.

4. In view of the nature of allegations made against Mustan and Ganesh and as it is the first crime registered against Muskan, this Court holds that opportunity needs to be given to Muskan to improve. A direction was given by this Court to make inquiry about the antecedents of Muskan and also to see whether she has permanent place of residence. She is a married woman and her husband is doing the labour work and her mother-in-law has come forward to give statement that they own landed property. With the hope that she will not indulge in similar activities in future, this Court is granting relief to Muskan.

5. In the result, Criminal Application Nos. 6956/2014 and 216/2015 are allowed. Applicants from these proceedings are to be released on bail on their furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand) by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/