

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1434 of 2015

Selina @ Shital Das Kunder

..Applicant

-Versus-

State of Maharashtra

..Respondent

Ms. Racheeta Dhuru for applicant

Ms. S.S.Kaushik, APP for State

CORAM : A.S.GADKARI, J.

DATE : 18th December 2015.

P.C.

1] The applicant is seeking bail in C.R.No.49 of 2015 registered with Malwani Police Station under sections 366-A, 370(a), 370(3) of IPC read with 3, 4, 5, 7(1)(b) of Prevention of Immoral Traffic Act, (PITA) and under sections 4, 8, 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

2] It is the case of the prosecution that the applicant and the co-accused viz., Waheeda @ Seema Parvez Qureshi were running a brothel in a residential locality. The police after getting specific information conducted a raid at the said place. During the said raid, three minor

victim girls were rescued. The applicant and the co-accused were found at the spot. After completion of investigation, police have now filed charge sheet. Learned Counsel for the applicant submitted that though the age of the victim girls has been shown by the investigating agency as below 18 years, the medical certificate issued by Forensic Laboratory, Mumbai shows age of the victim as 17 to 17 and half years. She further submits that taking into consideration the benefit of (+) (-) one year in case of ossification test, the presumption to be weighed in favour of the applicants to the effect that the said girls were major.

3] Learned APP on instruction submits with utmost fairness that the further custody of the applicant is no more required. In view of the above, I am inclined to allow the present application.

Hence, the following order:-

- (i) The applicant be released on bail in C.R.No.49 of 2015 registered with Malwani Police Station on her furnishing P.R.Bond of Rs.50,000/- with one or two solvent sureties in the like amount;
- (ii) After release of bail, the applicant shall attend the Malwani police station on first Monday of every month between 10.00 a.m. and 12.00 noon till the conclusion of trial;
- (iii) The applicant shall not tamper with and/or influence the

prosecution witnesses;

(iv) After released on bail, the applicant shall furnish documents with regard to her residential address to the Malwani police station;

(v) The application is allowed in the aforesaid terms;

(A.S.GADKARI, J)