

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.433 OF 2016

Sahera w/o Rafiulla Khan Pathan,
Age 31 years, Occu. Household,
R/o Qazipura, Railway Station road,
Basmat, Taluka Basmat,
District Hingoli

..Applicant

Versus

The State of Maharashtra,
through Nanded Rural Police Station,
Taluka and District Nanded

..Respondent

Mr G.K. Naik-Thigle, Advocate for applicant
Mr S.P. Sonpawale, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 25th February 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.215 of 2015 registered at Police Station, Nanded (Rural), for the offences punishable under Sections 363, 366-A, 372, 373, 376 (2) (i) (j) (n), 323, 504 and 506 read with sec.34 of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The role attributed to the applicant herein is only that of accompanying the main accused. The prosecution story appears to be that the two victim girls viz. Anita and Sandhya were taken to Rajasthan and were sold in the flesh market.

4. The investigation depicts that the role attributed to the applicant is that of accompanying Ayesha and her husband Rafiulla Khan Pathan.

5. While trying to make out the case for grant of bail, learned Counsel for the applicant would urge that the custodial interrogation of the applicant is already over. There are no criminal antecedents and she being a woman, her further detention is not necessary for crime in question. Apart from the general allegations against the applicant, there are no specific attributions about active participation in commission of the crime in question.

6. Learned A.P.P. opposed the application on the ground that there is sufficient evidence against the applicant and the matter is under investigation. He would then urge that since the offences are grave and serious punishable with life imprisonment, the applicant may not be released.

7. Perused the statement of victim Sandhya and other investigation papers.

8. The story narrated that on 10th July 2015 along with their family members, they visited the temple and thereafter they vanished and went to place of Ayesha. Said Ayesha threatened the victims and took them to Ajmer by railway.

9. The role attributed to the applicant is accompanying and no active participation in commission of crime in question.

10. In my opinion, the investigation against the applicant, who is a woman is already over and having regard to the fact that there are no criminal antecedents, applicant deserves to be released on bail.

11. As such, Criminal Application stands allowed. The applicant be released on bail in Crime No.215 of 2015 registered at Police Station, Nanded (Rural), for the offences punishable under Sections 363, 366-A, 372, 373, 376 (2) (i) (j) (n), 323, 504 and 506 read with sec.34 of Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

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