

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4428 OF 2016

Shalu Shivjai Kamble and Anr.
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Angad L. Kanade.
APP for Respondent/State : Mrs. Priti V. Diggikar.

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CORAM : A. M. BADAR, J.

DATE : 25th AUGUST, 2016.

PER COURT :

1] Applicants/accused in crime no. no. 573 of 2016 for the offences punishable u/s 498-A of I.P.C. and sections 3, 4, 5, 6 of PITA Act and sections 3, 4 and 17 of the POCSO Act registered with Police Station, Mukundwadi, Aurangabad, by this application are praying for their release on bail.

2] Heard the learned counsel for the applicants as well as the learned APP.

3] The learned APP opposed the application by contending that victim of the crime is female child of 13 years of age. By pointing out statements of other victim women, the learned APP argued that present applicant no.1 Shalu was keeping a brothel with assistance of applicant no.2 Vijubai. The learned APP argued

that considering the nature of offences the applicants are not entitled for bail.

4] Perused the F.I.R. lodged by the prosecutrix / victim of the crime in question. She averred that after getting married after a month her in laws had forced her to indulge into prostitution against her will. She averred that her husband and in laws were sending her to room at Ambikanagar for business of prostitution.

5] During course of investigation, the informant had disclosed that the premises of applicant no.1. Shalu is the place where she was sent for indulging in prostitution. The panchnama reveals that the premises were in occupation of applicant no.1 Shalu and applicant no.2. Vijubai was also staying there to help applicant no.1 Shalu. The investigator has recorded statements of two females which have stated that applicant no.1 Shalu was running a brothel where these witnesses were doing the business of prostitution.

6] Considering the material against the present applicants, they can be said to have been indulging in keeping a brothel and living on earnings of prostitution. There are no averments that, present applicant were forcing the females to indulge in prostitution. Considering the nature of allegations

against present applicants, as investigation of them is virtually over their further pre-trial detention of the present applicants is not warranted and, therefore the order :-

ORDER

- i) The application is allowed.
- ii) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety of the like amount.
- iii) As a condition of this Order, applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant / accused shall cooperate for expeditious disposal of the trial.

vi) The applicant shall not repeat commission of similar type of offences in future.

vii] The Application stands disposed of in the aforesaid terms.

**[A. M. BADAR]
JUDGE**