

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No.197 OF 2016

Radha Vyankatesh Shetty .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Mahesh Jethmalani, Senior Counsel a/w.
Mr.Aniket Nikam & Ms Gunjan Mengle i/b.
Mr.Ashish Satpute, for the Applicant
Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2016

P.C.

. Heard Learned Senior Counsel for the
Applicant and the learned APP for the Respondent
– State.

2. By this Application, the Applicant
seeks her enlargement on bail in connection with
C.R.No.67 of 2014 registered with the Faras
Khana Police Station, District – Pune, for the
alleged offences punishable under Sections 344,

363, 363B r/w.34 of the Indian Penal Code and under Sections 3, 4, 5, 6 & 7 of the Prevention of Immoral Trafficking Act.

3. The Complainant is PSI Nevase, who was attached to the Faraskhana Police Station, Pune at the relevant time. He has stated that on 04.04.2014, he was informed by P.I.More, Faraskhana Police Station, that on 31.03.2014, a victim girl was rescued from a brothel house, situated at Budhwar Peth, Pune and that the said victim girl was in the custody of Rescue Foundation, Hadapsar, Pune and that he should submit a report alongwith the statement of the victim-girl. Accordingly, the Complainant visited the said shelter home, met the victim-girl, who disclosed that she is from Bangladesh and is aged 18 years. She disclosed that one boy, by the name Sohail, who was her neighbour, told her that she should come for a tour with him, pursuant to which, she was taken to

Calcutta, then to Mumbai and thereafter, to Pune. The victim-girl disclosed that she was taken to a brothel house, which was on the first floor of a building, where she was sold to one lady called "Radha"(present applicant) and that the said Applicant and one Anita had forced her into prostitution.

4. Learned Senior Counsel submits that the Applicant has been in custody since her arrest i.e. from 16.11.2015. He submits that investigation is complete and charge-sheet is filed. He submitted that only on the basis of a reference to "Radha" by the victim-girl, the Applicant was arrested. He submitted that an additional Affidavit has been filed by the Applicant to show that she is a permanent resident of Pune and has annexed documents in support of the same i.e. ration card, pan card etc. Learned Senior Counsel submits that although the premises i.e. at 1010, Budhwar

Peth, Pune is on a rental basis, the Applicant intends to continue to reside in the said premises. He submitted that the Applicant has been acquitted in all the three cases which were registered against her by the same police station i.e. Faraskhana Police Station, Pune.

5. Learned APP opposed the Bail Application. She submitted that although the Applicant is acquitted, there were three similar cases registered against her. She expressed an apprehension, that the possibility of the Applicant absconding and not being available for trial cannot be ruled out. Learned Senior Counsel refuted the said submission. He submitted that the Applicant attended and appeared in all the three cases, in which she was acquitted and hence the apprehension is baseless.

6. Perused the papers as well as the additional Affidavit of the Applicant. It is not in dispute that the Applicant has been acquitted in all the three cases, which were similar in nature and which were registered against her with the same police station. The victim-girl, who is from Bangladesh is the only witness in the said case, who has made allegations against the Applicant i.e. she was sold to "Radha". Investigation is complete and charge-sheet is filed. As far as the apprehension of the learned APP, that the Applicant may abscond and may not be available for trial is concerned, the said can be taken care of by imposing appropriate conditions. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/- with one or two local sureties in the like

amount;

(ii) The applicant shall report to the investigating officer of the Faraskhana Police Station, District – Pune on **the first & third Saturday of every month** between **10:00 a.m. and 11:00 a.m.** till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant shall not leave Pune District, without the prior permission of the Court;

(vi) The Applicant shall deposit her passport, if any, with the investigating officer

of the Faraskhana Police Station, District —
Pune;

(vii) The applicant to cooperate with the
conduct of the trial;

(viii) The Applicant shall file an undertaking
with regard to Clause Nos.(ii) to (vii) within
one week of her release;

(ix) If there is a breach of any of the
aforesaid conditions, the prosecution shall be
at liberty to seek cancellation of the
applicant's bail.

7. The Application is allowed in the
aforesaid terms and is accordingly disposed of.

8. Considering the peculiar facts of
this case, the trial of the Applicant is
expedited. The learned Judge shall make an
endeavour to dispose of the case as
expeditiously as possible, since the victim-girl
is from Bangladesh.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)