

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1036 OF 2016

Laxmi Bhimsingh Tamang

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rajesh More Advocate for Applicant.

Mr. Y. M. Nakhwa APP for the State.

Mrs. Rekha V. Salunkhe, Senior P.I.

Faraskhana Police Station, Pune.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 17, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein was arrested on 11/03/2016 in crime no. 56 of 2016 registered at Faraskhana Police Station, Pune for offence punishable under sections 344, 363, 366, 366A, 370 r/w 34 of the Indian Penal Code and under section 3,4,5,6 & 7 of Protection of Children from Sexual Offences Act, 2012. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that on 11/03/2016, one Satyajeet Desai

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lodge a report at the police station that he is working as Liason officer of Freedom Firm, Wanori Pune. It is alleged that firm had received a secret information that two girls are being forced into prostitution in Budhwar Peth area. He gave the information to the police station and on the basis of the same, raid was conducted by the police. It is alleged that they found two girls namely Reshma Mandal and Sapna Shaikh. Both the girls had attained majority. They had disclosed to the police at the time of raid that Reshma was being harassed by her step mother as she was abandoned by her husband. She was working as domestic servant. Thereafter, one lady with whom she was acquainted had promised her that she would give her good job in Pune and therefore, she had come to Pune and thereafter, had lodged in the custody of the present applicant. Same is the story with other victim girl Sapna Shaikh. Both girls are from West Bengal. Their statements are recorded in Marathi and were explained to them.

3) It is pertinent to note that identity of the lady who had brought them to Budhwar Peth, Pune has not been ascertained till today. The owner of the said building where raid is conducted is one Kasturbai Kamble.

4) The learned APP upon instructions submits that said Kasturbai Kamble

is absconding and it is reliably learnt that she hails from Karnataka.

5) Be that as it may, present applicant is about 50 years old and was residing in Budhwar Peth, Pune for several years.

6) The learned APP has fairly submitted that applicant herein has been diagnosed with H.I.V. positive and is registered for A.R.T. since 20/09/2010 i.e. before she was arrested in the present case. She is under A.R.T. treatment since 17/05/2012. Certificate is also on record. The same is taken on record and marked as article 'X' for the purpose of identification. Applicant has been in custody for more than 6 months. It is in these circumstances that the applicant, being a woman and diagnosed with H.I.V. positive, deserves to be enlarged on bail.

7) It is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to Faraskhana Police Station, Pune on every

Saturday between 10.00 a.m. to 12.00 noon for a period of 6 months from being enlarged on bail.

(iv) Applicant shall inform the police about the address where she is residing and the cellphone number.

(v) Application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S. JADHAV, J.)