

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1937 OF 2016

1. Smt. Gauri Ganesh Tamang	)	
2. Smt. Beli Kancha Thapa	)..	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket U. Nikam i/b. Mr. Aashish Satpute, Advocate for the applicants.
Ms. Veera Shinde, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 21st November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicants herein are arrested on 24.2.2016 in Crime No.47 of 2016 registered at Faraskhana Police Station, Pune, for the offences punishable under Sections 344, 363, 366, 370 read with Section 34 of the Indian Penal Code and under Sections 3, 4, 5, 6, and 7 of the Immoral Traffic (Prevention) Act. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on the basis of a representation given by Justice & Care Society, a raid was conducted in the Budhwar Peth area, more particularly in Apartment No.1024, Tulsabai Jain Patil Building, Budhwar Peth, Pune. The police had taken the decoy

witness, two pancas and other police staff along with them. They found two women in the said room. Their statement was recorded. According to the investigating agency, the women had disclosed that they were introduced and forced into prostitution by their own friends who had misled under the garb of giving better employment and hence they had landed in the company of the present applicants. It is alleged that the women were forced into prostitution.

3. The learned counsel for the applicants vehemently submits that both the alleged victims had attained majority. They were married women. The victim No.2 Nisha Yadav had stated that she was married to Dinesh Yadav one year prior to the said raid. He had brought her to Pune and had introduced to the present applicants. That she was staying with the applicants and was indulging into prostitution.

4. The learned APP submits that both victims were confined and were made to starve and hence the applicants are not entitled to be enlarged on bail.

5. The applicants are women. There are no criminal antecedents. They are residing in Budhwar Peth area. The learned counsel for the applicants rightly submits that the police station is situated in closed proximity of the place where the raid was conducted and there was no

complaint to the police till the social organization had reported the same to the police. That the applicant No.1 is 60 years old and she is weak and infirm.

6. Be that as it may, by virtue of proviso to Section 437 of Cr.P.C., the applicants would be entitled to be enlarged on bail. However, it is made clear that the observations made hereinabove are prima facie in nature and are restricted to an application under Section 439 of Cr.P.C and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.20,000/- and one or more local sureties in the like amount.
- (iii) The applicants shall tender the self-attested documents to the police station within 3 weeks from the date of being enlarged on bail. The documents may be in the form of Aadhar Card, Election Card or PAN Card.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)