

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1952 OF 2016

Smt. Rani Iyanur Khan	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aashish Satpute, Advocate for the applicant.

Mr. Vinod Chate, APP, for the State.

Mr. Vivek S. Padwe, PSI, Sakhar Nagar Police Station, Pune, present.

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 applicant herein is arrested on 16.2.2016 in Crime No.54 of 2016 registered at Sahakarnagar Police Station, Pune, for the offences punishable under Sections 343, 363, 366, 370 read with Section 34 of the Indian Penal Code and under Sections 3, 4 and 5, of the Immoral Traffic (Prevention) Act, under section 3 read with Section 6 of the Passport Act and under Section 14 of Foreigners Act. The investigation is completed and charge-sheet is filed.

2. When she was in custody on the basis of secret information, a raid was conducted in Balajinagar, Dhankavadi. The police had received

information that the girls who were indulging into prostitution in Budhwar Peth were residing with other Bangladeshis in Dhankavadi, Pune. The police had then raided the premises at Survey Ho.20/21, Ganesh Chamber, B Building, 4th floor, Flat No.8, Balajinagar, Dhankavadi, Pune, where two girls were found. The names were Muskan Mirzi aged 19 years and Dulari Khan aged 20 years. Upon enquiry by the police, they had disclosed that they had financial stringencies and could not make both ends met. They had disclosed that four months prior to the incident, they had come to Pune. Munna had taken the girls to Budhwar Peth where they had met Anwar Shaikh. He had told them that if they indulge into prostitution, they would earn well and live a peaceful life. They had also disclosed to the police that the present applicant had given them shelter and that they were indulging into prostitution in the said area in Budhwar Peth and residing at Dhankavadi. It is specifically stated in the first information report itself that there was a raid in Budhwar Peth area and the applicant was taken into custody one month earlier and thereafter Anwar Shaikh had asked the girls to live at Balajinagar in the said flat. The girls had disclosed that they were going to Budhwar Peth everyday and indulging into prostitution. That they are accompanied by Munna and Anwar and that Munna and Anwar take away the amount earned by them. On the basis of the said report, Crime

No.54 of 2016 is registered at Sahakar Nagar Police Station, Pune, against the present applicant for the offences punishable under Section 366B of the Indian Penal Code and Sections 3, 4 and 5 of the PITA Act.

3. The learned counsel for the applicant submits that the raid was conducted in the residential premises, where even according to the victims, they were lodged by Anwar Shaikh in the absence of the present applicant. It is clear that the applicant had no knowledge that the girls were residing at Dhankavadi after she was arrested in March, 2016.

4. The learned APP, upon instructions, submits that the accused Munna has been arrested and has been enlarged on bail, whereas Accused Anwar Shaikh is absconding. It is clear from the records that it was Munna and Anwar who had brought the girls to Budhwar Peth area even before they were introduced to the present applicant. The girls were informed that they would be indulging into prostitution only to earn a comfortable life. No application is filed by the State for seeking cancellation of bail of Munna who is in fact resident of Bangladeshi. The applicant is a woman.

5. Taking into consideration the facts of the case, the papers of investigation, this Court is of the opinion that the applicant deserves to be

enlarged on bail.

6. 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 applicant be enlarged on bail on her furnishing P.R. Bond in the sum of Rs.20,000/- and one or more local sureties in the like amount.
- (iii) The applicant shall tender her 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.)