

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2181 OF 2016

Sou. Shantabai Ramesh Shinde ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Sandeep S. Salunkhe, Advocate for the applicant.
Mr. Y.M.Nakhwa, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 24th November, 2016.

P.C.

This is an application under section 439 of Cr.P.C. The applicant herein is arrested on 11.7.2016 in Crime No.160 of 2016 registered at Faraskhana Police Station, Pune. The investigation is completed and charge-sheet is filed against the present applicant for the offences punishable under Sections 370, 323, 504 read with Section 34 of the Indian Penal Code and Sections 12, 3, 4, 5, 6 and 7 of the Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on 11.6.2016, Rahul Gaud, the Asst. Police Inspector of Faraskhana Police Station lodged a report at

the police station that on that day at 2 a.m., he was on patrolling duty along with Senior P.I. Rekha Salunkhe. When they were passing from front of Kohinoor Building, they saw a girl was standing on the road. They suspected that either the girl is abandoned, lost or is in distress and, therefore, enquired with her. She disclosed her name as Ms. "x", the daughter of Ramesh Shinde. She was aged about 16 years. Her date of birth is 4.4.2000 as per the School Leaving Certificate issued by the school.

3. Upon further enquiry, the girl had disclosed that she has a step-mother i.e. the present applicant. That since one year prior to 11.7.2016, her stepmother used to take her to Budhwar Peth and had forced her into prostitution. During that period she met a boy who had assured her of some security. The said boy had called her at Kohinoor building and had asked her to meet one Pinki Didi. he had taken her to meet Pinki Didi. She had also coerced her into prostitution and had taken away her earnings. The victim had further disclosed that since it was raining on that day, Pinki Didi was of the opinion that the customers would not come to the room and therefore she had made her to stand on the road to lure customers. The police officers had shown presence of mind and had taken the girl into custody. It appears that she was presented before the Magistrate and then

sent to Rescue Foundation by the police.

4. On the same day, the statement of the victim was recorded who disclosed that some time in February, 2016, her brother had met with an accident and had sustained fracture. Her stepmother forced her into trafficking on the ground that her earnings would help to give treatment to her brother. Everyday the applicant used to take her to Budhwar Peth. They used to return home at night. She was fed up with the said nature of work and, therefore, two months prior to 11.7.2016, when she was sitting on the Railway Station, some social workers from Bangalore had taken her away to Bangalore. Her mother had learnt about it and then she brought her back from the said social organization and had again started taking her to Budhwar Peth for the purpose of prostitution. The victim was fed up of the sexual abuse. The applicant used to assault her on her denial. She has further stated that on 28.6.2016, she had left her house and had gone to the house of her friend where she met Sagar. He had taken her to Pinki Didi who had also forced her into prostitution. It is a sorry state of affairs that a stigma to the status of a mother even if she is a stepmother. She has indulged into a heinous job by trafficking the minor daughter.

5. The learned counsel for the applicant submits that the victim had gone to Bangalore on her own and the father had filed a missing

complaint.

6. Upon perusal of the statement of the victim, it is clear that she was fed up with her life. She had gone to the Railway Station and there a social organization had taken her. The present applicant had brought her back to the same traumatic life. The applicant does not deserve sympathy. The offence committed by the applicant is heinous in nature. Hence, the application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)