

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CRI.APPLN.NO.1845 of 2017

**3 CRIMINAL APPLICATION NO. 1845 OF 2017
IN APEAL/144/2017**

WITH

APEAL/144/2017

WITH

APPLN/3101/2017 IN APEAL/144/2017

SONABAI SANJAY PANDIT AND ANR

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Yuvraj Kakde
APP for Respondent State: Mr. A.V.Deshmukh
Mr. Sumedh S.Deshpande, Adv., for assisting A.P.P.

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CORAM : P.R. BORA, J.
Dated: November 30, 2017

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PER COURT :-

1. Heard learned Counsel for the applicant and learned A.P.P.
2. The applicants have filed the present application for suspending the execution of the sentence imposed upon them by the learned Additional Sessions Judge, Parbhani in Special (POCSO) Case No.24/2015 and consequently, to release them on bail.
3. Both the applicants are convicted by the Court below for the offenses punishable under Sections 4, 8 read with Section 17, Protection of Children from Sexual Offences Act, 2012, and

agp/-

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Section 3, 4, 5-A, 5-B, 6 of the Immoral Traffic (Prevention) Act, 1956, and Section 372, 373 read with Section 34 of the Indian Penal Code. Learned Counsel for the applicant submitted that there are several irregularities in conducting the investigation in the matter including raids, etc. and no reliance can be placed on such evidence. Learned Counsel further submitted that the victim girls have, in their respective testimonies before the Court, have admitted that they were indulging in prostitution on their own and there was no force either from accused no.1 or accused no.2. Learned Counsel further submits that despite there being any conclusive evidence, the learned Special Court has held the applicants guilty for the offenses charged against them. Learned Counsel further submits that substantial grounds are raised by the appellants / applicants in exception to the impugned judgment and he, therefore, prayed for suspension of the sentence imposed upon them and, consequently, to release them on bail.

4. Learned A.P.P. appearing for the State has opposed the submission made by the learned Counsel for the applicants. Learned A.P.P. is assisted by Shri Sumedh S.Deshpande, learned Counsel, who is representing a Non Governmental Organization, who has filed an application to intervene in the present matter.

5. After having considered the submissions made by the learned Counsel for the applicants and the learned A.P.P. and on perusal of the impugned judgment, I do not find that any case is

agp/-

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made out by the applicants for their release on bail. I have perused the entire evidence on record and more particularly, the evidence of the victim girls. It has been specifically deposed by these victim girls that out of the amount which they used to receive from prostitution, accused no.1 used to take half of the said amount. It has also come on record and allegation is made against accused no.2 that he is living on the money earned by aforesaid prostitution of the victim girls and specific allegation is also made that he is involved in sale and purchase of the girls.

6. After having considered the evidence on record, at this juncture, it does not appear to me that it may be appropriate to release the present applicants on bail. Hence, the following order:

ORDER

1. Criminal Application (No.1845/2017) is rejected.
2. Hearing of the appeal is expedited.

(P.R. BORA, J.)

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