

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 38 OF 2017

Kamala Thusang Lama	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Satyavrat Joshi, Advocate for the Applicant.
Mrs. Rutuja Ambekar, APP for Respondent – State.
Ms. Rekha Salunke, Sr. P.I., Faraskhana Police Station, Pune.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th February, 2017.**

P.C.:

This Application is moved by the applicant/accused under section 438 of Cr. P.C. The applicant/accused is apprehending arrest in C.R. No. 213 of 2016 registered with Faraskhana Police Station for the offences punishable under sections 344, 363, 366(A), 370(A), 372, 373, 323, 504 r/w. 34 of the Indian Penal Code, under sections 3, 4, 5, 6, 7 of Prevention of Immoral Trafficking Act and under sections 4 and 17 of Prevention of Children from Sexual Offences Act.

2. It is the case of the prosecution that on 23rd October, 2015 the police raided the premises at house no. 1012, Ali Building, Budhwarpeth, Pune and they released three girls, who were involved in prostitution. Co-accused Mukta Shaikh allegedly has compelled the girls to indulge into prostitution. As per the case of the prosecution, the applicant/accused is

the owner of the said brothel. Hence, this Anticipatory Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has been cooperating the police as she was protected on interim pre-arrest bail. She has produced the documents disclosing her title in the said premise. The learned counsel submitted that the applicant/accused though is the owner, she was not aware of the activities carried by co-accused Mukta Shaikh. The learned counsel further submitted that as per the medical certificates of the girls, they were found to be above 17 years and below 19 years and thus, they are major, therefore, the Sr. P.I. has sent a letter on 29th October, 2015 that Sections 4 and 17 of POSCO be deleted.

4. Learned APP opposed the Application. She submitted that though the letter was made of deleting the sections of POSCO Act, yet it is not deleted. The applicant/accused is the owner of brothel, therefore, she was involved in the offence.

5. Perused the FIR, medical certificates, statements of the victim girls. It appears that the main allegations are against Mukta Shaikh. Earlier there are no criminal antecedents against the applicant/accused. In view of this, the order of the Interim Anticipatory Bail dated 10th January, 2017 is

hereby confirmed with same bail bond. However, the applicants/accused are directed to attend police station as and when called by the Investigating officer.

6. Anticipatory Bail Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)