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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.89 OF 2017

Najma Hashmat Ali Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Nilesh Pandey i/b Mr.Siddharth Jaiswal, for the Applicant.

Mr.Ajay Patil, A.P.P for the Respondent-State.

WPSI – Umbakar, Andheri Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.259 of 2016 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 370(1), 370(5) of the Indian Penal Code and under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act) and under Sections 4, 8

and 7 of the Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicant submitted that although the girls were minor, they themselves had approached the applicant. He submitted that a perusal of the statement of one of the victim girl shows that she was into prostitution since July 2015, as she needed money for her mother's treatment. She has stated that from the prostitution, she was receiving money from the customers. She has further stated that in May, 2016, her cousin introduced her to the applicant, who was also doing prostitution and was providing girls to the customers. She has stated that she gave her number to the applicant, pursuant to which, she accompanied the applicant on 4th May, 2016 to a Prasadam Hotel, at Andheri, where the raid was conducted. He submitted that the applicant has no antecedents and that investigation is complete and charge-sheet is filed.

4. Learned APP does not dispute the fact, that the applicant has no antecedents.

5. Perused the papers, in particular the statements of the victim

girls. A perusal of one of the victim girl's statement shows that she was constrained to indulge in prostitution because of her financial condition at home from July 2015. She has stated that on 3rd May, 2016, she met the applicant and handed over her number to the applicant, as she used to provide girls to the customers. She has alleged that pursuant thereto, the applicant called her on 4th May, 2016 for taking her for prostitution. She has alleged that she went to one hotel with the applicant, the raid was conducted. The applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6. In the peculiar facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall not contact the complainant, victim girls, witnesses or any person concerned with the case;

iii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The applicant shall not indulge in similar offences in future;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)