

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

**CRIMINAL BAIL APPLICATION NO. 1387 of 2017**

Roshan Bibi Raju Guddu Shaikh & Anr. ...Applicants

*Versus*

The State of Maharashtra ...Respondent

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Mr. R. R. Paramare for the applicant.

Mr. Ajay Patil, APP for the respondent-State.  
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**CORAM : PRAKASH D. NAIK, J.  
DATE : 29 JUNE 2017**

**P.C. :**

1. This is an application for regular bail. The applicants were arrested on 7<sup>th</sup> February, 2017 in connection with C.R. No. I-55 of 2017 registered with Kashimira Police Station, Thane Rural. Initially the offences were registered under sections 354, 370, 504, 506 of IPC and sections 5, 8 and 12 of POSCO Act.

2. The prosecution case is that the victim is the resident of West Bengal she was brought from her native place by one Farida to Kolkatta. She was informed that accused Guddu Shaikh is related to Farida and the victim should accompany him to Mumbai. Hence, she came to Mira Road. She used to do household work. It is alleged that

on every occasion she was being taunted by the applicants that she will have to indulge in prostitution. Applicant no.1 is the wife of Guddu Shaikh. It is alleged that on 5<sup>th</sup> February, 2017, the husband of applicant no.1 told the victim to remove her clothes and inappropriately touched her chest. He was saying that the victim will have to carry on prostitution and she should be ready for the same. The applicant were not present in the house at the time of said incident. Thereafter, they came and threatened the victim not to inform anyone about the incident. She managed to leave the house and lodged the complaint.

3. Learned advocate for the applicant submitted that they have not been attributed any overt act amounting to offence under section 354 of IPC. It is submitted that the charge under section 370 of IPC and section 5 of PITA is already deleted by the prosecution. The applicants are in custody from 7<sup>th</sup> February, 2016. The investigation is complete and the chargesheet has been filed against the applicant. The applicants were not present in the house when the alleged act committed by Guddu.

4. Learned APP submitted that the accused were involved in serious crime. He submitted that the husband of applicant no.1 who

has played active role in the crime is absconding. He further submitted that the application may be rejected.

5. I have perused FIR and the other documents which are part of the chargesheet. Role assigned to the applicant does not amount to any offence under section 354 of IPC. Admittedly, the charge under 370 as well as under section 5 of PITA have been dropped. The applicants are in custody from the date of arrest and the chargesheet has been filed on completing the investigation. The Sessions Court has rejected the application primarily on the ground that the applicants are resident of West Bengal and if released on bail they are likely to flee away to West Bengal.

6. Taking into consideration the facts and circumstances hereinabove, bail can be granted to the applicant who are ladies on certain conditions.

### **ORDER**

(i) Bail Application No.1387 of 2017.

(ii) The applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees

Twenty Five Thousand only.) with or more local sureties in the like amount.

(iii) The applicants are directed to report Kashimira Police Station, Thane Rural, once in a week on every Friday between 10.00 am to 1.00 pm till further orders.

(iv) The applicants are directed to furnish details of their residential addresses to the investigating officer.

(v) Application stands disposed of.

**[PRAKASH D. NAIK, J.]**