

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1410 OF 2016

Fatima Chaudhary	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Anita Wakchaure i/b. Mr. Vijay Shinde, Advocate for the applicant.
Mrs. J.S.Lohokare, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 8th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 4.4.2016 in Crime No.130 of 2016 registered at Amboli Police Station. The investigation is completed. The charge is filed and the case is registered as Sessions Case No.216 of 2016.

2. It is the case of the prosecution that on the basis of a secret information the police had raided the premises of Masaj Centre situated at Shop No.202, Kanak Complex, New Link Road, Andheri (West). The police had followed the procedure by calling panchas, a decoy customer and other necessary witnesses. The applicant herein was working as the conductor of the said parlour as the owner of the said premises is one Baburao Jadhav. That the police had learnt that the applicant herein is

coercing women to enter into prostitution under the garb of giving body massage to male. The amount which was given to the decoy customer was found with the applicant. The investigating agency had recorded the statement of two women who were working in massage parlour. They have not disclosed that they were forced to have sexual intercourse with any of the customer and that they used to give full body massage to the men for an amount of Rs.3,000/-. The applicant is being prosecuted under Sections 3 and 4 of PITA and the applicant has no criminal antecedents.

3. The learned counsel for the applicant submits that the applicant has been in custody for almost more than 9 months and that she deserves to be enlarged on bail.

4. The learned APP submits that the applicant is not the original resident of Mumbai and, therefore, she does not deserve to be enlarged on bail. As against this, the learned counsel for the applicant has furnished an undertaking of the sister of the applicant stating therein that the applicant would reside at Mumbai and attend all stipulated dates before the Court in the eventuality that bail being granted.

5. The observations herein are restricted to an application under Section 439 of Cr.P.C. and the same shall not be taken into consideration while deciding the application for quashing, discharge application or at the

time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall attend the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)