

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1632 OF 2017

Anju Balveer Singh ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. M.K.Kocharekar i/b Prabha V.Badadare for the applicant.
Mr. R.M.Pethe, APP for the State
Mr. Shresh Kadam, P.I D.B.Marg Police Station.

CORAM: A.M. BADAR, J.
DATED: 8th NOVEMBER 2017

PC:-

1. The applicant/accused in crime No 41 of 2017 registered by D.B. Marg Police Station for the offences punishable under Sections 366(A), 370(1) r/w 34 and 3,4, 5, 7(1)(b) of Immoral Traffic (Prevention) Act and 4, 8, 17 of Protection of Children from Sexual Offences Act, 2012, by this application is seeking her release on bail during pendency of the trial.

2. Heard the learned advocate appearing for the applicant/accused. By pointing out the statement of alleged

minor female child, the learned advocate argued that medical examination of the said minor female child shows that there was no history of sexual assault on her. The learned Advocate further argued that so far as other two ladies allegedly involved in the incident are concerned, they both are major and their medical examination shows that they were not subjected to the sexual intercourse in recent past. Therefore, in submission of the learned advocate for the applicant, the applicant is entitled for bail.

3. The learned APP opposed the application by contending that the offence is involving one minor female child, whose date of birth is 15.1.2003. The said minor female child has categorically named the applicant in her statement.

4. I have carefully considered the rival submission and also perused the papers of investigation.

5. The crime in question is registered on the basis of the report lodged by James Varghese, President, Indian Rescue Mission of NGO working in the field. He gave a tip to the police that the building named congress house is in fact a brothel, where prostitution is being done. Accordingly, the decoy customer came to be deployed after undertaking necessary formalities by the police. It is seen from the papers of the investigation that when the said decoy customer came at the back door building named congress house at Girgaon, a pimp named Satish Dalal contacted him. That pimp informed the decoy customer that girls can be arranged for sexual intercourse. Said Pimp then contacted and called the present applicant, who approached at the gate of that building with three females. Name of three females are as Roshani, Pallavi and Devika. The present applicant informed the decoy customer that he can select from those girls and fixed the consideration at Rs.6,000/- per girl. The decoy customer then paid Rs.12,000/- by selecting 2 girls from girls arranged by the present applicant. After pre arranged signal the police

team came on the spot and undertook the subsequent formalities including recovery of the mark currency notes and arresting the applicant as well as the co-accused.

6. Papers of the investigation shows that one of the girl brought by the present applicant was aged about 14 years. Her statement shows that the present applicant had induced her to indulge in prostitution and kept her at the building known as the congress house at Girgaon. The prosecution has also collected date of birth certificate of the said minor female child showing her date of birth as 15.1.2003. Prima facie there is evidence to show complicity of the applicant in the offence of procuring a minor girl and trafficking a minor female child by inducing her and alluring her with the promise that she will earn handsome amount, if she indulges in prostitution.

7. Considering the nature of the crime and the fact that it involves a minor female child, who is dragged in prostitution

by the present applicant, no case for grant of bail is made out. The application is therefore rejected.

(A.M. BADAR, J)