

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1815 OF 2017

Wahida Valli Shaikh ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Mayur D.Sapkale for the Applicant.

Ms.J.S. Lohakare, APP for the Respondent-State.

P.S.I. J.A.Nirgude, Malvani Police Station, Mumbai – present.

CORAM : REVATI MOHITE DERE, J.

DATED : SEPTEMBER 14, 2017

P.C.:-

Heard learned counsel for the parties.

2. By this application, the Applicant seeks her enlargement on bail, in connection with C.R. No.13/2017 registered with the Malwani Police Station, Malad, Mumbai, for the alleged offences punishable under Sections 366(A), 370 (A), 370 (1)(3)(4) of the Indian Penal Code; sections 4, 8 and 19 of Protection of Child from Sexual Offences Act, 2012 and sections 3, 4 and 5 of the Immoral

Traffic (Prevention) Act, 1956.

3. Learned counsel for the Applicant submits that the Applicant is in custody since 5 January, 2017. He submits that investigation is complete and charge-sheet is filed and hence further detention of the Applicant, in the facts, is not warranted. He further submits that the Applicant has no antecedents.

4. Learned APP opposes the bail application. On being asked, she submits that all the three rescued girls have been handed over to their parents. She does not dispute the fact, that the Applicant has no antecedents.

5. Perused the papers, in particular the complaint lodged by Shivaji Gajanan Korve and the statements of the rescued girls. On 4 January 2017, PSI Mayekar along with others, laid a trap, pursuant to the information received, that the accused persons were carrying out prostitution business and were supplying girls to customers, in the Malwani area. One Mr.Zishan Irfan, acting as a decoy (bogus customer) called on a mobile and requested the said person (Applicant) to arrange for a girl. The Applicant is alleged to have

told the said customer, that he would have to pay a sum of Rs.5,000/- and asked him to come around 9.00 p.m. to the address given by her i.e. to Marve Road, Malwani, Malad (West), Mumbai where he would be provided with a girl. Accordingly, the decoy customer went to the place and a trap was laid. The decoy customer was provided with a girl, by the Applicant. On receiving the signal from the decoy, the raiding party members entered the flat, the panch told the raiding party that the decoy had gone to the bedroom. Pursuant to which, they entered the bedroom and found one girl sitting on the bed and the decoy standing in the room. Three girls were rescued. All the three girls disclosed that the Applicant would fix the remuneration and retain fifty per cent of the same as her share. Money was recovered from a small purse, found on the person of the Applicant. A perusal of the statement of all the three rescued girls shows, that they had gone there on their own accord as they had financial difficulties and as the Applicant had promised to pay them a handsome amount, if they indulged in prostitution. One the rescued girl was a minor, aged 17 years. All the three rescued girls have already been handed over to their parents. Investigation is

complete and charge-sheet is filed. The Applicant has no antecedents.

6. Considering the aforesaid facts, the application is allowed and the Applicant is enlarged on bail on the following terms and conditions:-

- (i) The Applicant is enlarged on bail on furnishing P.R. bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on the first Saturday of every month, between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;
- (iii) The Applicant shall inform his 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 contact the complainant, witnesses or

any person concerned with the case;

- (v) The Applicant shall co-operate in the conduct of the trial;
- (vi) An undertaking to the aforesaid clauses (ii), (iii), (iv) and (v), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of her release;
- (vii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

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.

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

(REVATI MOHITE DERE, J.)