

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2158 OF 2017

Sangeeta Raees Patel ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.R.D.Suryawanshi, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent/State.

Mr.A.J.Patil, PSI, Bhiwandi City Police Station is present in person.

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CORAM : A.M.BADAR J.

DATED : 6th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.I-46 of 2017 for offences punishable under Sections 363, 368, 370(3), 371, 109 read with Section 34 of the Indian Penal Code as well as Sections 4,5,6,7 and 9 of the Protection of Children from Sexual Offences Act, 2012, by this application, is seeking her release on bail after filing of the charge-sheet during pendency of the trial.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that main accused in this Crime named Sopan Mhaske and Mohd. Ashpak Aafak @ Pappu are

already released on bail by this Court. The learned Advocate further argued that name of the applicant is not taken by two of the alleged victims and the third one has stated that she was accompanying the present applicant for indulging in the prostitution, but there was no force on her.

3 The learned Additional Public Prosecutor opposed the application by contending that the role of the present applicant is clear from the statement of victim Dolly Javed Shaikh and, therefore, she cannot be released on bail.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet.

5 Undisputedly, Mohd.Ashpak and Sopan Mhaske – co-accused to whom major role is attributing in the crime in question are released on bail vide Orders dated 29th August 2017 and 8th September 2017 respectively by this Court (Coram : Revati Mohite-Dere J.). So far as present applicant is concerned, one of the alleged victim namely Dolly Shaikh has stated that she accompanied the present applicant for the purpose of prostitution in Sangli and Miraj. Said Dolly has categorically stated that she is not forced to indulge in the prostitution by the present applicant.

6 Considering this nature of evidence against the present applicant and as the investigation is over leading to filing of the

charge-sheet, I see no reason to refuse bail to the present applicant. As such, the Order :

- (i) The application is allowed.
- (ii) The applicant/accused in Crime No. I-46 of 2017 for offences punishable under Sections 363, 368, 370(3), 371, 109 read with Section 34 of the Indian Penal Code as well as Section 4,5,6,7 and 9 of the Protection of Children from Sexual Offences Act, 2012 be released on bail on her executing P.R.Bond in the sum of Rs.25,000/- and on furnishing one or two local solvent surety in the like amount.
- (iii) The applicant should inform her place of residence along with cellphone number as well as any change therein to the Investigating Officer.
- (iv) The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to the Police Officer.

(A.M.BADAR J.)