IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2303 OF 2017

Ms.Vendi Nagasaiphung Horam ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mr.Sanjeev P. Kadam i/b. Mr.Prashant P. Raul, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 7th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.68 of 2017 registered with Bangurnagar Police Station, Mumbai for offences punishable under Section 370 (3) read with Section 34 as well as Sections 3,4,5 and 7(1)(b) of the Immoral Traffic (Prevention) Act, 1956, by this application, is seeking her release on bail after filing of the charge-sheet.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was running a licensed Spa and Saloon in partnership with the co-accused and she is not concerned with the incident of prostitution done by her

employees. After completion of investigation, further pre-arrest detention of the present applicant is not warranted.

3 The learned Additional Public Prosecutor opposed the application by contending that the applicant has indulged in trafficking women for the purpose of prostitution and she is found to be living on earnings of prostitution by keeping a brothel under the guise of Spa and Saloon.

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

5 According to the prosecution case, the present applicant is a partner of Hora Thai Spa and Saloon which is a licensed establishment. After receipt of information that prostitution is being done at the said saloon, police decided to conduct a raid and accordingly, deployed a decoy customer. After getting pre-arranged signal, police raided the spot and found three women kept at that parlor for the purpose of prostitution. The applicant, according to the prosecution case, was found at the counter of the said saloon.

6 Now the investigation of the crime in question is over. The applicant is not having any criminal antecedent. The women found at the saloon allegedly owned by the present applicant are

adult women, who are aged about 25 years, 38 years and 26 years. Their statements *prima facie* does not reveal that they were forced to indulge in the prostitution.

7 Considering the fact that the investigation in the crime in question is over and that the applicant is not having any criminal antecedents, I see no reason to refuse bail to her. Nothing tangible stated to show that the applicant would not be available for trial if released on bail. Therefore, the Order :

(i) The application is allowed.

(ii) The applicant/accused in Crime No.68 of 2017 registered with Bangurnagar Police Station, Mumbai for offences punishable under Section 370 (3) read with Section 34 as well as Sections 3,4,5 and 7(1)(b) of the Immoral Traffic (Prevention) Act, 1956, is directed to be released on bail on her executing P.R.Bond of Rs.50,000/- and on furnishing one or two solvent surety in the like amount.

(iii) 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.

(iv) The applicant/accused should not repeat commission of any offence in future.

(v) The applicant/accused should furnish her residential address as well as cellphone number to the Investigating Officer after her release and should continue to inform change, if any, in her residential address as well as cellphone number.

(vi) The application is disposed of accordingly.

(A.M.BADAR J.)