

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2575 OF 2017

SALMA AZARUDDIN ANSARI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Rahul Arote, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th DECEMBER 2017

P.C. :

1 The applicant/accused in Crime No.136 of 2017, registered with Police Station Naya Nagar, Thane, for offences punishable under Sections 370 of the Indian Penal Code and under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, by this application, is seeking her release on bail, after conclusion of the investigation.

2 Heard the learned advocate appearing for the applicant/accused. He argued that all three alleged victims of the crime in question are adult ladies and their statements do not prima facie indicate that by extending any threat, they were forced to indulge in prostitution. The learned advocate further argued that the investigation of the crime in question is over and the charge-sheet has been filed. Therefore, further pre-trial detention of the applicant/accused is not warranted.

3 The learned APP argued that Call Detail Record shows that decoy customer Kaushal Dubey was previously in contact with the applicant/accused. The learned APP further argued that statements of two of the victim girls show that they were threatened by the present applicant/accused to enter in the profession of prostitution, and therefore, the applicant/accused is not entitled for bail.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet. The crime in question is

lodged on the basis of report lodged by the Assistant Police Inspector. He had received a secret information from his informant. The First Informant – Assistant Police Inspector, then availed services of two panch witnesses and a decoy customer named Kaushal Dubey. By deploying the decoy customer and on getting pre-arranged signal, the flat in occupation of the present applicant/accused came to be raided. Three women were found in that flat apart from the present applicant/accused. The First Information Report (FIR) itself gives the description of those three women. Their ages are ranging between 19 years and 29 years. Statement of one of the alleged victim of the crime in question goes to show that as her financial condition was not proper, she indulged in prostitution. Another woman, who is aged about 24 years, has stated that because of penury, she contacted her friend Puja, who directed her to contact the present applicant/accused. She, then, contacted the present applicant/accused, who offered her the work of prostitution. This alleged victim further reported to the police that when she declined, the present applicant/accused threatened her that she will inform her husband as well

as uncle and because of this threat, she accepted the proposal of the present applicant/accused. Statement of this lady, who is aged about 24 years, does not show that she had taken any efforts to contact the law enforcing agency, when her chastity was at stake, at the instance of the present applicant/accused. Similar is the case of the third woman, who was found at the spot. She is also stating that because of penury, she contacted the present applicant/accused and the present applicant/accused has proposed her to indulge in prostitution. This witness stated that, on declining the offer, the present applicant/accused threatened her to disclose the fact that she is a citizen from Bangladesh, and therefore, she indulged in prostitution. This woman has also not stated the reason why she failed to approach the police, despite her chastity being at the stake because of the alleged threat.

5 The investigation of the crime in question is over. The alleged victims are adult women. No criminal antecedents of the present applicant/accused are pointed out by the prosecution. This implies that the present applicant/accused has no criminal

antecedents. Hence, on conclusion of the investigation and considering the nature of evidence available with the prosecution, I see no reason for denying bail and for compelling the applicant/accused to undergo pretrial detention. Therefore, the order :

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.136 of 2017, registered with Police Station Naya Nagar, Thane, for offences punishable under Sections 370 of the Indian Penal Code and under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, the applicant/accused is ordered to be released on bail on her executing P.R.Bond in the sum of Rs.30,000/-, and on furnishing one or two sureties in like amount.
- iii) The applicant / accused shall not tamper with the prosecution evidence.

- 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.
- v) The application is disposed of.

(A. M. BADAR, J.)