

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2354 OF 2016

Vaishali Mangesh Koli @ Kharat ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Ms. Anjali Patil, Advocate for the applicant.
Ms. J.S.Lohokare, APP, for the State.
Mr. Chandekar, PI, Mankhurd Police Station, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 7th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 28.6.2016 in Crime No.228 of 2016 registered at Mankhurd Police Station. The investigation is completed and charge sheet is filed against the applicant for the offences punishable under Sections 366(a), 370(1), 370(5) of the Indian Penal Code and under Sections 3, 4, 5, 7(1)(B) of the Immoral Traffic (Prohibition) Act, 1956 read with Sections 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is the case of the prosecution that on the basis of a secret information, the police had raided the premises at Ganesh Co-op. Housing Society at Mankhurd, more particularly to the house the present applicant,

where the applicant is residing on leave and license basis. The police had secret information that the applicant herein procures minor girls for the purpose of trafficking and prostitution. Three girls were rescued at the time of raid. They were found in the house of the applicant.

3. Perused the compilation of the charge-sheet, more particularly the statements of the victim. Victim Ms."A" has disclosed to the police that she was not interested in schooling and, therefore, on 25.6.2016, her mother had left her in the custody of her maternal aunt at Badlapur. That she was not very comfortable in the said house and, therefore, without informing anything to anybody, she had left for Mankhurd, where she met Ms. "B". Thereafter, they had met Ms."C". It is further contended that Ms. "C" had informed Ms. "A" and Ms."B" that if they indulge into prostitution, they would receive Rs.500/- and therefore they had gone to the house of the present applicant where there were other girls and two major ladies. They had just reached the house and all three girls were waiting for customers. At that time, there was a knock at the door. The police had raided the premises and girls were rescued. All these statements are consistent. The girls have candidly stated to the police that they have voluntarily reached the house of the present applicant. It is in these circumstances, prima facie, it cannot be said that the applicant had procured girls for the purpose of

prostitution or trafficking. Prima facie, it also cannot be said that the applicant had detained the minor girls or had coerced them to enter into the profession of prostitution. The investigation is completed and charge-sheet is filed. The applicant has been in custody for more than 7 months. Moreover, there are no criminal antecedents. Hence, the applicant deserves to be enlarged on bail.

4. The observations herein are restricted to an application under Section 439 of Cr.P.C. and they shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall give her address, cellphone number and all other details to the police after she is enlarged on bail.
- (iv) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge.

The application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S.JADHAV, J.)