

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2609 OF 2017

KUM.SHWETA VISHWANATH PODDAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.M.Saraogi, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

Mr.Subhashchandra Posture, Assistant Police Inspector, Oshiwara Police Station, present in the court.

CORAM : A. M. BADAR, J.

DATE : 7th DECEMBER 2017

P.C. :

1 The applicant/accused in Crime No.396 of 2017, registered with Oshiwara Police Station, for offences punishable under Section 370 of the Indian Penal Code (IPC) and under Sections 4 and 5 of Immoral Traffic (Prevention) Act, by this application, is seeking her release on bail during pendency of the trial.

2 Heard the learned advocate appearing for the applicant/accused. He argued that the First Information Report (FIR) reflects that the decoy customer was engaged to lay a trap but the FIR does not disclose that any overt act happened in pursuant to the information received by the Police Officer.

3 The learned APP opposed the application by placing reliance on the statement of decoy customer as well as alleged victim of the crime in question.

4 I have considered the rival submissions and also perused the case diary. According to the prosecution case, police received information to the effect that the present applicant/accused is procuring women for the purpose of prostitution. Police then availed services of a decoy customer named Rahul Parekh. The FIR as well as statement of decoy customer shows that upon being contacted, the present applicant/accused came on the spot with two women with her. They all sat in the car in which the decoy customer was sitting. Then the signal was given

and the police came on the spot. Statement of decoy customer shows that he had talks with the present applicant/accused and the present applicant/accused had accepted an amount of Rs.60,000/- from him.

5 So far as statements of victim women are concerned, they have stated their ages as 22 and 23 years. Their statements show that both of them had just accompanied the present applicant/accused. They are not stating that they were aware that the present applicant/accused would ask them to indulge in prostitution.

6 Prima facie, it is seen that, the investigation of the crime in question is on the verge of completion. The women involved in the alleged offences are adult women. There is nothing on record to indicate that the applicant/accused had criminal antecedents against her. Therefore, I see no reason to deny liberty to the present applicant/accused during pendency of the trial. Therefore, the order :

ORDER

- i) The application is allowed.
- ii) The applicant/accused in Crime No.396 of 2017, registered with Oshiwara Police Station, for offences punishable under Section 370 of the IPC and under Sections 4 and 5 of Immoral Traffic (Prevention) Act 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 surety in like amount.
- iii) The application is disposed of.

(A. M. BADAR, J.)