

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2537 OF 2016
(THROUGH JAIL)**

Pooja Naresh Dube

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Lokesh Zade, appointed Advocate, for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application sent through jail, the applicant seeks her enlargement on bail in connection with C.R. No. I-212 of 2015 registered with the Mira Road Police Station, Thane, for the alleged offences punishable under Sections 366A, 370(A), 372 of the Indian Penal Code and under Sections 3, 4, 5, 6, 7 and 9 of the Prevention of Immoral Trafficking Act and Section 17 of the Prevention of Children from Sexual Offences Act.

3. As Mr. A. G. Toraskar, appointed Counsel for the applicant was not available today and on the earlier dates, and hence, in the interest of justice, since the application was pending for a long time, Mr. Lokesh Zade was appointed as an *amicus curiae*. Learned A.P.P had handed over a copy of the charge-sheet to enable the learned *amicus curiae* to go through the same.

4. Learned *amicus curiae*, after going through the charge-sheet, submitted that the applicant is in custody since May, 2015 and that investigation is complete and charge-sheet is filed. He submitted that out of the 3 girls who were found with the applicant, indulging in prostitution, one girl was a minor aged 15 years and the 2 girls were adults.

5. Learned Counsel for the applicant states that as far as the minor girl aged 15 years is concerned, in her 161 statement, she has stated that one of the person who had come to the applicant's room, had told her that he would take her for showing a video shooting, and immediately thereafter, the police came. He submits that there are no allegations made against the applicant, by the minor girl.

6. Learned A.P.P and learned Counsel for the complainant opposed the application.

7. Perused the papers. The incident has taken place on 20th May, 2015. Pursuant to the trap laid by the police, the applicant, the 3 girls and others, who were allegedly involved in prostitution came to be arrested. The statements of the two girls, aged 23 years and 21 years, are more or less similar. They have stated that because of their financial difficulties and as their husbands had left them, they were constrained to get into prostitution. They have stated that the applicant, who herself was a prostitute, disclosed to them, that they would earn handsome money, if they get into prostitution and that, pursuant thereto, and due to financial difficulties, they got into prostitution. As far as the 15 year old girl is concerned, in her 164 statement she has specifically stated that one of the person who had come to the applicant's room had stated that he would take her for video shooting, and that the police came there. The applicant was found in possession of Rs. 5,000/- at the time of the trap. The girl aged 15 years has not made any allegations against the applicant.

It is informed that the minor girl is in a Shelter Home. The applicant is in custody since May, 2015. Investigation is complete and charge-sheet is filed. There are no antecedents *qua* the applicant.

8. In the peculiar facts of this case, further custody of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform her latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (v) The applicant to cooperate with the conduct of the trial.
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- 9. The application is accordingly disposed of.
 - 10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
 - 11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.