

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2813 OF 2017

Rajni Shankar Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Roshni J. Singh for the applicant.
Ms.P.N. Dabholkar, APP for the State

CORAM: A.M. BADAR, J.
DATED: 8th DECEMBER, 2017

PC:-

1. The applicant/accused in Crime No.369 of 2016 registered with Police Station V.P. Marg for the offences punishable under Sections 366-A, 370-A, 370(1)(3) r/w 34 of the Indian Penal Code and read with Sections 4 and 5 of Prevention of Immoral Trafficking Act, 1956 (PITA) and under Sections 4, 8 and 17 of Protection of Children From Sexual Offences, Act, 2012 (POCO), by this application is seeking her release on bail during the pendency of the trial after filing of the charge-sheet.

2. The learned advocate for the applicant argued that the co-accused named Aarti Singh having similar role in the crime in question is already released on bail by this Court, vide order dated 1st September 2017 in Criminal Bail Application No.1810 of 2017 (Coram: Revati Mohite Dere, J) and therefore, similar treatment be given to the present applicant. She further drew my attention to the date of birth certificate of the alleged minor female children and submitted that they both are major and more than 18 years of age at the time of commission of alleged offence.

3. The learned APP accepted the fact that the co-accused is already released on bail and argued that the application is liable to be rejected considering the nature of the crime.

4. I have carefully considered the rival submissions and also perused the papers of investigation.

5. According to the prosecution case, on the basis of information received that the minor females are forced into prostitution, a brothel named and styled as Sai Shradha guest house came to be raided. The FIR shows that two minor females were found in the said brothel. During the course of investigation, the investigating officer collected date of birth certificate of those two alleged female children. It is found during the course of the investigation that those two alleged minor female children were in fact major woman at the time of commission of alleged offence. Averments against the present applicant is to the effect that she, aunt of one of the lady whom the FIR refers to as a minor female child. She has taken her to Sai Shradhha guest house when the alleged offence is committed.

6. Statement of the victim lady shows that the present applicant had not exerted any force or deception on her. The co-accused in the crime is already on bail after filing of the charge-sheet. Therefore, the following order:-

ORDER

- i) The applicant/accused be enlarged on bail on furnishing P.R.Bond in the sum of Rs.20,000/- with one or more local sureties in the like amount;
- ii) The applicant/accused shall attend the concerned Police Station, on the first Saturday of every month, between 10.00 a.m. to 11.00 a.m., till framing of the charge;
- iii) The applicant/accused shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

- iv) The applicant/accused shall not contact the complainant, victim girls, witnesses or any person concerned with the case;
- v) The applicant/accused shall co-operate in the conduct of the trial.
- vi) The application is allowed and disposed of in above terms.
- vii) It is made clear that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
- viii) All concerned to act on the authenticated copy of this order.

(A.M. BADAR, J)