

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL WRIT PETITION NO.945/2016**

Roma Gopi Dhanwat ..vs.. The State of Maharashtra, thr. PSO P. S. Nagpur

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. R. M. Patwardhan, Advocate for petitioner.  
Mr. M. J. Khan, A.P.P. for respondents-State.

**CORAM : B. P. DHARMADHIKARI AND**  
**V.M. DESHPANDE, JJ.**

**DATED : APRIL 7, 2017**

Heard for some time. Perused the judgment of the learned Single Judge of this Court in the matter of **Renuka Durgappa Kamble & Ors. .vs. State of Maharashtra;** reported in **2007 ALL MR (Cri) 143.** There the opening paragraph of the judgment itself shows that the offence was registered under Section 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 against one Kamlabai and four others. At the time of raid, 33 women were found who were allegedly engaged in prostitution. The said victims were sent to a protective home by name Tejasvini Mahila Sudhargruha. Thus, the facts looked into by the learned Single Judge do not show that any offence was registered against those 33 victims.

Here an offence was/is already registered against the petitioner. She was produced before the Magistrate and on that day i.e. on 15.05.2016, the

concerned Police Inspector sought the Magisterial Custody Remand. By a reasoned order, the Court placed the petitioner in observation home. The Court found that the petitioner needed to be treated as victim.

Events thereafter show that efforts were made for release of the petitioner. The learned A.P.P. invited our attention to the reply affidavit to contend that in the meanwhile, the charge-sheet is also presented on 20.12.2016 against the petitioner to the competent Court.

Mr. Patwardhan, the learned counsel for the petitioner urged that the mandatory procedure prescribed in Section 17 of the Immoral Traffic (Prevention) Act, has not been followed. He therefore contends that custody of the petitioner by the State is wrongful.

The applicant/petitioner was sent to protective home by the Court by a reasoned order and that order was not questioned further. There is no application moved by the petitioner or by any Court seeking her release on bail.

Mr. Patwardhan submits that in the identical situation in other matters where women like the petitioner have been treated as victim, discharge applications are being entertained.

The learned A.P.P. denies knowledge of any such discharge application.

We are not concerned with the other development in the matter. In the present facts, unless and until an appropriate application seeking bail was moved, the petitioner could not have been released.

Hence, keeping all other contentions open and with liberty to the petitioner to move an appropriate application before the competent authority as per law and with a direction to that Court to decide that application within one week after it is presented, we dispose of the present writ petition. No order as to costs.

**JUDGE**

**JUDGE**

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