

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1947 OF 2018

Archana Sanjay Hajare @ Archana

Sahebrao Deshmukh

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ritesh Thobde for the applicant in BA 1914/2018.

Mr. V.V. Purwant for the applicant in BA 1877/2018.

Mr. Ujwal R. Agandsurve for the applicant in BA 1947/2018.

Mrs. J.S. Lohokare, APP for the State.

Mr. P.P. Masal, API Viju Purnaka Police Station, Solapur City, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. After arguing the matter for some while and when it was expressed that this is not a fit case for grant of bail, Mr. Ujwal Agandsurve, learned counsel for the applicant seeks leave to withdraw this application.

2. Leave is granted. Bail Application is dismissed as withdrawn.

(SMT. ANUJA PRABHUDESSAI, J.)

ADDITIONAL ORDER :-

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.230/2018 registered at Vijapur Naka Police Station, District Solapur for offences punishable under sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act and under section 370(1), 370(2), 370(3), 370(A)(1), 370(A)(2) of the Indian Penal Code and under sections 4, 16, 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Ujwal Agandsurve, learned counsel for the applicant and Mrs. J.S. Lohkare, APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Prakash Pandurang Masal, Assistant Police Inspector. A perusal of the first information report prima facie reveals that on 26/04/2018, the first informant had received instructions from his senior officers that prostitution was going on in

Plot No.11, Waman Nagar, Jule Solapur and he was directed to take necessary action. The first informant procured a dummy customer and they went to the brothel wherein prostitution was allegedly going on. They raided the place, rescued three victims and arrested the applicant and the co-accused. The material on record reveals that one of the victims who was about 14 years of age is a daughter of the co-accused/Archana. The statement of this minor girl prima facie reveals that her mother had forced her into prostitution. The statement of this witness prima facie reveals that earlier when there was raid at Sai Hotel, the police had rescued her and another victim. They were apparently produced before Child Welfare Committee. This minor girl (daughter of the applicant in BA 1947/2018) was kept at Sangli and the other victim was kept at "Asha Kiran Mahila Vasuti Gruha, Karad". She had stated that subsequently her custody was handed over to her mother/Archana i.e. the applicant in BA 1947/2018 whereas the custody of the other victim was handed over to one Shabnam. The minor girl took her mother of this victim i.e. the applicant took her daughter and the other victims at Baramati and thereafter to the house of Shabnam at Temburni and later to the house of Uma Wade at Solapur for the purpose of prostitution. She has stated that on the very first day, the applicant and others had forced her into prostitution. The

material on record thus prima facie indicates that the applicant had forced her minor daughter into prostitution. The records further reveals that even on earlier occasion when the victim was rescued, the applicant had got her custody and once again forced her into prostitution. It is also seen that the custody of the daughter was handed over to the mother. It is also reported that the custody of the child was handed over to the mother without calling further report from the Probation Officer. It is, therefore, necessary to bring all this facts to the notice of Women and Child Department. Hence, copy of this order be forwarded to the Principal Secretary, Women and Child Department for necessary action.