

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.728 OF 2018

Shehnazbano Mohd. Isha Khan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Nizamuddin Khan a/w. Shaba N. Khan for the Applicant.

Mr. M.G. Patil APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th JUNE, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No.487 of 2017 dated 1st August, 2017 registered with Malvani Police Station, Mumbai under Sections 366(A), 370(1), 370(A)(1), 370(5), r/w 34 of the Indian Penal Code, under Sections 3, 4 and 5 of The Immoral Traffic (Prevention), Act 1956, and under Sections 4, 8 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2 Heard the learned counsel appearing for the Applicant and the learned APP.

3 It is the prosecution case in brief that, the Police from Social Service Branch, Mumbai received confidential information that,

the Accused No.1- Smt. Shamshad Begum Abbas Shaikh is conducting brothel near Ali Talav Slum, Kharodi Village, Malwani Gate No.1 Malad and therefore, the police conducted raid after completing necessary legal formalities.

4 The Accused No.1-Shamshad Begam was found at the scene of offence. During the course of investigation, it is revealed that the Applicant was acting as an agent/tout in providing victim women/girls to the customers. It is the further prosecution case that, the Applicant is living on the earnings from the vocation of the prostitution and was forcing minor victim girls to indulge into the vocation of prostitution. Apart from the said role ascribed to the Applicant, no other overt act is attributed to her. The Applicant was arrested on 10th August 2017 and since then, she is in jail. The Applicant is a woman. The record indicates that, there are no antecedents at the discredit of Applicant.

5 In view of the above, the Applicant can be released on bail.

Hence the following order.

- a) The Applicant be released on bail in CR No.487 of 2017 dated 1st August, 2017 registered with Malvani Police Station, Mumbai on her

furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) After her release from Jail, the Applicant shall attend the Malvani Police Station on every first Monday of the month between 11.00 a.m. and 1.00 p.m., till the conclusion of the trial.
- c) The Applicant shall attend all the dates before the Trial Court, unless precluded for medical reasons.
- d) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.
- e) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)