

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.740 OF 2018**

Afsana @ Muskan Anis ShaikhApplicant.

Vs.

The State of MaharashtraRespondent.

Mr.Karl P. Rustomkhan h/f Mr.Rahul Arote, for the Applicant.
Smt.J.S.Lohokare, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 7th JUNE, 2018.

P.C.:-

1) This is an Application under Section 439 of the Cr.P.C. for bail in CR No. I-177/2017 dated 28.09.2017 registered with Shil Diaghar Police Station, Thane under Sections 370(2)(3)(4), 34 of Indian Penal Code and Section 3, 4, 5 and 7 of PITA Act, 1956 and Sections 4, 8 and 12 of POCSO Act, 2012. (now culminated into Special Case No. 281/2017).

2) Heard the learned counsel for the applicant and the learned APP for the State. Perused the charge sheet.

3) It is the case of the prosecution that, the applicant along with two other accused persons conspired together and by taking

undue advantage of the victim girls in the present crime forced them to indulge in the vocation of prostitution.

4) The record indicates that the role attributed to the applicant in the present crime is that, she gave a phone call to accused No.2 Rizwana Javed Khan thereby directing her to take the victim girl, who was aged about 17 years on the date of the incident, to a particular place (lodge) for the vocation of prostitution. Apart from the said role, there is no other overt-act attributed to the applicant in the present crime. The applicant is arrested on 28.09.2017 and since then she is in jail. It is submitted that there are no antecedents at the discredit of the applicant.

5) In view thereof, the applicant is entitled to be released on bail.

Hence, the following order.:-

- a) The Applicant be released on bail in CR No. I-177/2017 dated registered with Shil Diaghar Police Station, (now culminated into Special Case No.281/2017 pending on the file of Additional Sessions Judge, Thane) 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 Shil Diaghar Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m.
- 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.)