

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

ANTICIPATORY BAIL APPLICATION NO. 723 OF 2018

Shabana R. Aliyas ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Rajesh A. More for the Applicant.

Mr. S.H. Yadav, APP for the Respondent-State.

Mr. Sachin Kute, Police Naik, Farashkhana Police Station, Pune city,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R. No.13 of 2012 registered with Faraskhana Police Station, District-Pune, for offences punishable under Sections 323, 344, 366, 504, 506 r/w. 34 of the IPC and Sections 3, 4, 5 and 6 of the Prevention of Immoral Trafficking Act, 1956.

2. Heard Mr. Rajesh More, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-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 FIR lodged by the Police Sub-Inspector, Ashwini Jagtap. A perusal of the FIR prima facie reveals that an information was received by the first informant that one Nepali girl was forcibly detained in a room bearing No.1070, Old Welcome Building, Budhwar Peth, and that she was induced and forced to carry on prostitution. PSI alongwith other police personnel and pancha witnesses raided the said premises. They rescued the Nepali girl, who was confined in the said room. There were six other girls in the said room, who were carrying on prostitution in the said room. The Applicant is the owner of the said room and it is alleged that she had allowed the said room to be used as a brothel. PSI-Ashwini Jagtap therefore lodged the FIR against the persons involved in confining the said Nepali girl into the said room and inducing her to carry on prostitution as well as the persons living on earning of prostitution.

4. The role attributed to the Applicant herein is that she had allowed the premises to be used as a brothel. I am unable to accept the contention of the learned counsel for the Applicant that the

Applicant was not aware that the room was being used for the purpose of prostitution. Undisputedly, the Applicant has inherited the said room after the death of her mother. In the year 2001 the brother and sister of the Applicant had relinquished their right in respect of the said room. She is thus the exclusive owner of the said room since 2001. The records reveal that the Applicant had got the electric meter transferred in her name. The statements of the rescued girls also reveal that the Applicant used to visit the said room once in 4 to 6 months to collect the rent. Thus, in my considered view there is prima facie material to show the involvement of the Applicant in the aforesaid offences.

5. Be that as it may, the offence alleged to have been committed by the Applicant is punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both. The nature of the offence does not warrant custodial interrogation. The records reveal that by order dated 12.4.2018 the Applicant was granted interim bail. There are no chances of the Applicant absconding or fleeing from justice.

6. Under the circumstances, the application is allowed on

following terms and conditions:-

- (I) In the event of arrest of the Applicant in C.R. No.13 of 2012 registered with Faraskhana Police Station, District-Pune, the Applicant shall be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall report to the Investigation Officer of the Faraskhana Police Station for a period of four days from 15.10.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the concerned Investigation Officer.
- (iii) The Applicant shall furnish her permanent as well as temporary address, if any, and her contact details to the concerned Investigation Officer.
- (iv) The Applicant shall not change her residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)