

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

BAIL APPLICATION NO.1141 OF 2018

Pallavi Asadul Shaikh

.. Applicant

Vs.

State of Maharashtra

(At the instance of Nagpada Police Station)

.. Respondent

.....

Ms.Rohini J.Singh, Advocate for the Applicant.

Mrs.Geeta P. Mulekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 4, 2018.

P.C. :

The applicant is seeking bail in connection with CR No.383 of 2018, registered with Nagpada Police Station, Mumbai, for the offences punishable under Section 370 read with 34 and 120-B of Indian Penal Code (For Short “IPC”), as well as Section 5 of Prevention of Immoral Trafficking Act (for short “PITA Act”). The offences were also registered under Sections 3 and 6 of the Passport Act as well as Sections 467, 368, 471 of IPC.

2 The case of the prosecution is that information was received by the police that on the day of the incident, some

persons are going to indulge in sale of victim minor girl. Police visited the place of incident. The accused persons were found discussing amongst themselves about the sale of the victim child/girl who was aged between 15 to 16 years. Applicant and her husband were apprehended on spot. During the course of investigation, it was revealed that the victim was handed over to them by another person and she was residing with the applicant and her husband. They had decided to sell the victim girl for an amount of Rs.30,000/- to the co-accused, namely, Jeetu. All the three persons were arrested. Subsequently, Jeetu has been granted regular bail by the Court.

3 Learned counsel for the applicant submits that the applicant is in custody from 1st November, 2016, and, applicant has a minor son aged about 7 years. Applicant and her husband both are in custody from the date of arrest. Son of the applicant is residing with her relatives. From the statements of the victim girl, it appears that the applicant told the victim that she should go back to Bangladesh, whereas her husband stated that he would deal with the sake of the victim child and thereafter there was a quarrel between the applicant and her husband on that issue. It is further submitted that further detention of the

applicant is not necessary. Per contra, learned APP is opposed grant of bail to the applicant. It is submitted that the statement of the victim child mentions that the child was being handed over by the applicant and her husband and applicant is indulging in such illegal activity. It is further submitted that the applicant is charged for the offences under Section 370 of IPC, as well as, the offence under PITA Act. It is submitted that, the statement of the victim girl is also recorded under Section 164 of Cr.P.C.

4 Apparently, it appears that the applicant was found at the place of incident when the victim girl/child was being sold to the customer. Applicant and her husband were arrested and taken into custody. From the statements of victim, it appears that at one point of time, the applicant has told her that she should go back to Bangladesh, but, her husband insisted that he would entered into a transaction of sell on his own. It is pertinent to note that the applicant and her husband both are in custody from 1st November, 2016. Applicant has to look after her minor son who is aged about 7 years. Trial is not yet started. Learned APP submitted that the charge has been framed, still, the prosecution has to examine witnesses, which would take some time. Taking into consideration aforesaid circumstances, distinction can be

made *qua* the applicant for granting bail to her. There are no reported antecedents against the applicant-accused. In the circumstances, bail can be granted to the applicant.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1141 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.383 of 2016, registered with Nagpada Police Station, Mumbai, on furnishing P.R. Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (ii) Applicant shall report to Nagpada Police Station, Mumbai, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till the conclusion of trial;

- (ii) Applicant shall not tamper with the evidence;
- (iii) Bail Application No.1141 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)