

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 323 OF 2019**

Rashida @ Simran Mohammad Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prabhanjay R. Dave for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

PSI Mr. S. A. Sonawane from Wadala T. T. Police Station, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st JUNE 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 301 of 2018 registered with the Wadala TT Police Station, Mumbai, for the alleged offences punishable under Sections 366, 366(A), 370, 370(A), 372 of the Indian Penal Code; under Sections 4, 6, 8 ad 17 of the Protection of Children from Sexual Offences Act and under Sections 4 and 5 of the Prevention of Immoral Trafficking Act.

3 Perused the papers. According to the complainant-Police Constable Parab attached to S.S. Branch, Mumbai, he received secret information on 11th September 2018 disclosing that a woman by name Rashida @ Simran Shaikh is engaged in flesh trade and is supplying minor girls to various persons. Accordingly, a trap was laid and a bogus customer was arranged. The bogus customer called the applicant on her mobile and fixed the rate for Rs. 8,000/-. It is alleged that at 6:21 p.m, the applicant called the bogus customer on his mobile phone and asked him to meet near Wadala Mono-Rail Bridge. It is alleged that at 6:40 p.m, the applicant came along with two minor girls aged 17 years. Accordingly, the police apprehended all persons. Panchanama was drawn. It appears from the medico-legal examination of the rescued girls that the girls were about 17 years of age. It is not in dispute that the rescued girls, within 10 days, ran away from the CWC and they are not found till date.

4 Learned counsel for the applicant submits that the applicant has no antecedents and that the possibility of the trial commencing is also bleak, since the rescued girls are not traceable. Learned counsel for the

applicant has tendered an affidavit of the applicant. The same is taken on record and marked as 'X' for identification. In the said affidavit, the applicant has undertaken that she will not commit any offence and will not indulge into any prostitution activities.

5 The applicant admittedly has no antecedents. The applicant is in custody since 11th September 2018.

6 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Monday of every month from 10:00 a.m. to 11:00 a.m, till the conclusion of the trial;

(iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, the rescued girls, witnesses or any person concerned with the case;

(iv) The applicant will not commit similar or any other offence;

(v) The applicant shall inform her latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of her release;

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any

of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.