

Anand

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

**BAIL APPLICATION NO. 797 OF 2019**

Ishrat Begum Sameer Ahmed Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Ashwini Gaikwad I/b. Mr. A. Q. Usmani, Advocate, for the  
Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. Suryakant Kamble, PI, Malvani Police Station, Mumbai present

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 23.07.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C. R. No. 708 of 2018 registered with the Malvani Police Station, Mumbai, for the alleged offences punishable under Sections 366(A), 370, 370(A), 372 r/w 34 of the Indian Penal Code, under Sections 3, 4, 5 & 7 of the Immoral Traffic ( Prevention ) Act and under Sections 4, 6, 8 & 17 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the prosecution, the social welfare branch received confidential information that prostitution activity is going on and co-accused – Manju was providing girls for prostitution and that the Applicant had provided the house for the said purpose. Accordingly, a trap was laid and a bogus customer was arranged, who called co-accused – Manju. In the trap, the bogus customer solicited the girls for the purpose of prostitution. The bogus customers also gave Rs. 5,000/- to co-accused – Manju. It is alleged that the said co-accused – Manju gave Rs. 1,000/- for providing room to the Applicant. In the trap, a minor victim girl was rescued. A perusal of statement of the minor victim girl shows that she has made allegations as against co-accused – Manju and not the Applicant. The Applicant has no antecedents. The Applicant is in custody since October, 2018. Investigation is complete and charge-sheet is filed.

4. Considering the role alleged to have been played by the Applicant and considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

### **ORDER**

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like

amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 11.00 a .m.** till the conclusion of the trial;

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

(iv) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released 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;

(v) The Applicant shall cooperate with the conduct of the trial;

(vi) The Applicant to file an undertaking with regard to Clauses (ii) to (v), in the trial Court, within two weeks of her release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

**(REVATI MOHITE DERE, J.)**