

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 987 OF 2019**

Mohamad Saidul Muslim Shaikh	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Sandeep Mishra for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-156 of 2017 registered with the Palghar Police Station, Palghar, for the alleged offences punishable under Sections 370A, 370B, 376, 328, 341, 120B, 323, 504, 506, 34 of the Indian Penal Code; Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act; under Sections 4 and 5 of Prevention of Immoral Trafficking Act; under Sections 3 and 6 of Passport Act and under Section 14 of Foreigner Act.

3 Learned counsel for the applicant submits that the only allegation as against the applicant is that he sent money through *Havala* to Bangladesh. He further submits that all the victim girls are major and that they did prostitution on their own free will.

4 Learned A.P.P opposed the application. He has tendered an affidavit of PSI Hitendra M. Vichare, attached to Local Crime Branch, Palghar. The said affidavit is taken on record.

5 Perused the papers. According to the complainant, a resident of Bangladesh, all the accused hatched a criminal conspiracy and on the pretext of giving her a job in Mumbai, brought her to Mumbai and sold her for prostitution. The complainant has also alleged that she was wrongfully restrained and was compelled to do prostitution business. She has further stated that some of the accused assaulted and abused her and compelled her into the business of prostitution. According to the complainant, original co-accused-Mohammad Samrat raped her after administering her some stupefying/intoxicating drug. Pursuant to the complaint/FIR, all the

accused including the applicant was arrested. The applicant is a Bangladeshi National. A perusal of the statement of the victim girls who were forced into prostitution, show that it was the applicant who had told them that he would get them a job and on the pretext of giving a job, would take the girls to co-accused Radha's house and would sell them to the said lady, for a sum of Rs. 1,00,000/- each. The victim girls have stated that as the applicant had sold them, they were compelled to do prostitution.

6 Learned A.P.P states that during the course of investigation, it was revealed that huge money transactions were made from Axis Bank Account No. 913020013045299, which stood in the name of the applicant. It also appears that similar offences have been registered as against the applicant with five police stations. It appears that even in those cases, the nature of allegation is similar to the present case i.e. the applicant, on the pretext of giving the victim girls a job, sold them for Rs. 1,00,000/- each. Learned A.P.P has set out the five criminal cases registered as against the applicant in para 13 of the affidavit. Even otherwise, if the applicant is enlarged on bail, the possibility of the applicant tampering and intimidating the witnesses, cannot be ruled out in the facts of the present case.

7 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, the trial of the applicant is expedited.

REVATI MOHITE DERE, J.