

Anand

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

BAIL APPLICATION NO. 1231 OF 2019

Seemadevi Badal Raj .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Murtuza Najmi a/w Mr. Shambhu Jha, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

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. 240 of 2018 registered with the Charkop Police Station, Mumbai, for the alleged offence punishable under Section 370(3)(4)(A) of the Indian Penal Code; under Sections 3, 4 & 5 of the Immoral Traffic (Prevention) Act and under Sections 4, 6 & 16 of the Protection of Children from Sexual Offences Act.

3. Perused the papers. Pursuant to a tip off received by the investigating agency that the Applicant had induced two minor girls i. e. the Applicant's daughter, aged 16 years and niece, aged 16 years, for

prostitution, a raid was conducted and the Applicant was apprehended. A perusal of the 164 statement of the Applicant's daughter as well as niece completely contradicts the prosecution case. From the 164 statement, it appears that one Johnson was disgruntled and that he had thrust money in the Applicant's hand pursuant to which, the Applicant was apprehended. Both the girls have not supported the prosecution case in their 164 statements. The Applicant has no antecedents.

4. Learned APP submits that the victim girls have supported the prosecution case in their statements recorded before the Probationary officer but not before the Magistrate. Be that as it may, the 164 statements do not support the prosecution case. There is no medical evidence to support that the victim girls were engaged in prostitution.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant - Seemadevi Badal Raj be released on **cash bail in the sum of Rs. 20,000/-, for a period of six weeks;**

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;

(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 to cooperate with the conduct of the trial.

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

7. 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.)