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

CRIMINAL APPLICATION NO.266 OF 2019

Y. Mary Marinaban and Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.P.R.Dave, for the Applicants.

Mr.A.A.Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JULY, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicants seek modification of the the condition set out in clause (2) of para 7, imposed by the learned Designated Judge under Protection of Children from Sexual Offences Act, 2012, for Greater Bombay, vide orders dated 29th June, 2019 and 10th July, 2019.

3. It appears that the Accused/applicants were directed to be released on bail on furnishing P.R.Bond of Rs.25,000/- (Rupees Twenty-five Thousand only) each with one or more surety on certain conditions.

4. Learned Counsel for the applicants submits that the applicants are unable to give the sureties of the said amounts as directed by the learned Designated Judge. He submitted that after the aforesaid orders enlarging the applicants on bail, were passed, the applicants filed applications for relaxation of the said condition, however, the said applications were rejected. He submitted that thereafter the applicants filed an application seeking provisional cash bail, which application was allowed and the applicants were released on provisional cash bail of Rs.25,000/- each for five weeks. He submitted that very few applicants have availed of the said cash bail granted vide order dated 15th July, 2019, by the learned Designated Judge under Protection of Children from Sexual Offences Act, 2012, for Greater Bombay. He submitted that in the facts, none of the applicants are in a position to furnish the sureties as directed by the learned Designated Judge. It appears that all the girls who were allegedly exploited/forced into prostitution were all major. In fact, the

learned Judge himself in paragraph 7 of the order dated 29th June, 2019, observed that the statements of the witnesses show that to earn some money and to earn their livelihood, the women on their own were involved in the said business and that it is doubtful whether an offence under Section 370 of the Indian Penal Code is disclosed and that at the highest Sections 3 and 4 of the Immoral Traffic (Prevention) Act, (PITA Act), will be applicable.

5. Having regard to the peculiar facts of this case, the application is allowed and the condition set out in clause (2) of para 7, imposed by the learned Designated Judge under Protection of Children from Sexual Offences Act, 2012, for Greater Bombay, vide orders dated 29th June, 2019 and 10th July, 2019, are modified. Accordingly, the Accused/applicants shall now be released on bail on furnishing P.R.Bond of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each with one or more sureties in the like amount. Rest of the conditions imposed vide orders dated 29th June, 2019 and 10th July, 2019, to remain as it is.

6. The Application is allowed and disposed of in above terms.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.