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

CRIMINAL BAIL APPLICATION NO.3084 OF 2018

Rizwana Javed Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.K.P.Rustomkhan, i/b Mr.Rahul Arote, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

PSI – S.B.Chavanke, Anti Human Trafficking Cell (AHTC), Crime Branch,
Thane City, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st AUGUST, 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.I-177 of 2017 registered with the Shil Daighar Police Station, Thane, for the alleged offences punishable under Sections 370(2)(3)(4) r/w 34 of the Indian Penal Code, under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act) and under Sections 4, 8 and 12 of Protection of Children from Sexual Offences

Act.

3. Learned Counsel for the applicant has tendered an affidavit of the applicant, wherein the applicant has stated that she will not contact the victim girls and that she will remain present before the trial Court on every date of the hearing. The said affidavit is taken on record.

4. Perused the papers. According to the prosecution, the applicant along with two other co-accused conspired and took undue advantage of the victim girls and forced them into prostitution. According to the prosecution, the applicant is the cousin sister of the minor victim girl, aged 17 years, who lured the said victim girl into prostitution. According to the victim girl, she asked the applicant, whether there was any work for her and if there was any work, she should inform her. She has stated that the applicant asked her whether she was willing to work as a prostitute. The victim girl has stated that initially she declined, however, she accepted the offer, as she was in need of money. She has stated that on 27th September, 2017, when she was in the applicant's house, the applicant received a call from her sister - Afsana @ Muskan. She has stated that

pursuant to the call, the applicant told her that Afsana @ Muskan had called and that she (victim girl) was called to Sharmin Bano @ Zinat's house as there was a customer who would be coming there and that she would get Rs.2,000/- for the same. The victim girl has stated that as she was in need of the money, she went along with the applicant to Sharmin Bano @ Zinat's house, pursuant to which, a trap was laid and the applicant was arrested. The applicant has no antecedents. The applicant is in custody since September, 2017. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the Anti Human Trafficking Cell (AHTC), Crime Branch, Thane City, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) 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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, victim girls, witnesses or any person concerned with the case;

v) The Applicant shall not commit similar offence;

vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of her release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

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.

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

REVATI MOHITE DERE, J.