

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3131 OF 2018

Mrs.Khatija Munnakki Shaikh, Age 35 years,
Occ.Service, R/o.Room No.3609, Drum Galli,
KKR Road, Turbhe Stores, New Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Moshin Khan for applicant,.
Mrs.A.A.Takalkar, APP, for State.
Mr.Karande, PSI, Turbhe Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th February 2019

PC :

1. This is an application for bail in CR No.157 of 2018 registered with Turbhe Police Station MIDC Police Station for offences under Sections 370(2), 366A, 376 r/w 34 of Indian Penal Code and under Sections 3,4,5 of Prevention of Immoral Trafficking Act and under Sections 3,4,7 of Prevention of Children from Sexual Offences Act. The applicant was arrested on 30th May 2018.

2. The prosecution case is that on receipt of information, police have raided the premises where prostitution activities were allegedly conducted by applicant. The victim was found at the place of incident. She has disclosed her age as 19 years. The statement of the victim was recorded wherein she had disclosed that she is 19 years of age and that she is a divorcee woman from Bangladesh. On completing investigation charge sheet is filed.

3. The documents on record indicate that in the statement of the victim she has disclosed her age to be of 19 years. She is in custody

from the date of arrest. Learned counsel for applicant submits that the victim is from Bangladesh and there is no evidence that she was exploited or forced to be in prostitution. She has disclosed her age as 19 years as there was no reason to suspect that she was not major woman. Learned APP, however, submitted that ossification test of the victim was conducted and her age was determined to be seventeen years six months. As stated above, the victim had disclosed her age to be 19 years and that she was a divorcee. The applicant is a lady. She is in custody from 2018. There are no antecedents against her. In the aforesaid circumstances further detention of the applicant is not required. Case for grant of bail is made out.

4. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3131 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.157 of 2018 registered with Turbhe MIDC Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Turbhe MIDC Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for six weeks.

(PRAKASH D. NAIK, J.)

MST