

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

CRIMINAL BAIL APPLICATION NO. 3422 of 2018

Simran Darvesh

... Applicant

V/s.

The State of Maharashtra

... Respondent

.....
Mrs. Roshani J. Singh, Advocate, for the Applicant.
Mr. S.R. Agarkar, APP for the State.
.....

CORAM : PRAKASH D. NAIK, J.

DATE : 18th FEBRUARY, 2019.

P.C.:

This is an application for bail in connection with C.R. No. 250 of 2018 registered with Versova Police Station, Mumbai for offences punishable under Sections 370(3), 370(4) and 373 read with 34 of Indian Penal Code (hereinafter referred to as 'IPC' for short) and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act (hereinafter referred to as 'PITA Act' for short).

2. The applicant was arrested on 13th July, 2018. The case of the prosecution is that the informant had received confidential information and trap was laid by Police on 12th July, 2018 by making necessary arrangements. Raid was conducted at Nirman Cottage, B Wing, Yari Road, Varsova, Andheri (W). The informant saw the woman, as per the description provided vide confidential information alongwith young girls near Nirman Cottage. She discussed something with decoy customer. Decoy customer chose the victim, gave money to accused. During the course of raid, Police rescued 3 victim girls. One Babita and applicant were arrested, one of the victim had informed that accused Babita alias Kajal and the applicant had provided her for prostitution. 40 percent income was given to the victim girls and the rest of the amount was kept by the applicant-accused. The investigation was conducted and on completing the same charge-sheet is filed.

3. The applicant preferred an application for bail before Sessions Court, which was rejected by order dated 19th December, 2018.

4. Learned Advocate for the applicant submitted that the applicant is a house-wife and mother of two daughters. The

applicant has been falsely implicated in this case. She was not present at the scene of offence. She does not know accused no.1 Babita. No active role had been attributed in the First Information Report (hereinafter referred to as 'FIR' for short). It is submitted that Varsova Police Station case diary shows that the Police seal which was used at the time of panchanama for sealing the seizure was very much present in the Police Station itself at the time of raid. Such seal cannot be available at two places at one time. The investigation is completed and the charge-sheet is filed. Section 3 of the PITA Act is not applicable to the applicant. It is not the case of the prosecution that victims were exploited by applicant. The applicant was not present near the lift and had no knowledge of exchange of money.

5. Learned APP submitted that the applicant is involved in serious crime. Evidence on record attributes specific role to the applicant. Victim is a minor. The statement of the victim is recorded under Section 164 of Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.' for short). The applicant may pressurize the victims, in case grant of bail.

6. I have perused the charge-sheet. The applicant is in custody from 13th July, 2018. Investigation is completed and charge-sheet is filed. FIR recorded on 12th July, 2018, indicate that information was received that the co-accused is indulging in prostitution. Subsequently, panchas were arranged. The decoy customer contacted co-accused Babita Shegal and interacted with her for providing woman for prostitution. The raiding party went to the place of incident. The decoy customer had interaction with the woman who matched the description received by the informant. The decoy customer then selected one girl and went to Nirman Cottage, Andheri. Three other women were apprehended. The decoy customer was then found in company of one of the victim in the room. Another woman was also present in the room. The victim gave her name and disclosed her age as 18 years. She also disclosed that the applicant and the co-accused is providing girls for prostitution. They are earning commission. She visits said place for prostitution. The applicant and the co-accused were arrested. The statement of one of the victim was recorded on 13th July, 2018. She has stated that she had visited co-accused alongwith her sister on 11th July, 2018. They were informed that they will have to indulge in

prostitution, for which they would earn money. The victim was in need of money. The statement of her sister was also recorded. The role attributed to the applicant is that she was earning commission. Considering the role played by the applicant and since the applicant being lady and is in custody from 13th July, 2018, and, also considering the fact that the charge-sheet is already filed, bail can be granted to the applicant on certain conditions.

7. Hence, I pass the following order:

ORDER

- (i) Bail application is allowed.
- (ii) The Applicant is directed to be released on bail in connection with CR No. 250 of 2018, registered with Versova 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 concerned Police Station once in a month, on first Saturday of the month between 11 a.m. to 1 p.m. till further orders.

- (iv) The Applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks in lieu of surety.
- (v) Application is disposed of.

(PRAKASH D. NAIK, J.)