

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 318 of 2019

(Riya w/o Devidas Lalwani Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K. M. Nankani, Advocate for the applicant
Mrs. M.H. Deshmukh alongwith Shri S. A. Ashirgade,
APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 02/05/2019

Heard learned Advocate Shri Nankani for the applicant. He has submitted that the applicant is arrested for the offences punishable under Section 370(A) read with Section 34 of IPC and under Sections 4, 5, 6, and 7 of Prevention of Immoral Trafficking Act read with Section 4 of the Protection of Children from Sexual Offences Act.

2. Mrs. Deshmukh alongwith Shri Ashirgade, learned Additional Public Prosecutors has pointed out judgment of High Court of Bombay at its Principal Seat at Bombay in *Cr. Public Interest Litigation No.4 of 2015* in the case of *Freedom Firm vs. Commissioner of Police, Pune & Ors.* decided on 30.10.2015. In para 30 of the said judgment, the guidelines are given while granting bail. The first guideline is that:

“Bail should be denied to habitual offenders (traffickers) except upon exceptional, special and compelling reasons upon the most stringent conditions”.

3. In the present case, nothing is pointed out by the side of prosecution that she is habitual offender.

4. As per the submission of learned counsel for the applicant, this is a first offence registered against the applicant. Applicant is lady, aged about 35 years. Hence, the following order.

(i) Criminal Application is allowed.

(ii) The applicant be released on bail on her executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not tamper with the evidence of prosecution witnesses.

(iv) The applicant shall not involve in such type of crime in future.

(v) If the applicant commits breach of this order, bail granted to her shall automatically stand cancelled.

JUDGE