

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4 OF 2020

Wasim Salim Shikh, Age 34 years,
R/o.1035, Budhwar Peth, Pune
(Presently lodged in prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam i/by Vivek N. Arote for applicant.
Smt.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February 2020

PC :

1. This is an application for bail in CR No.348 of 2019 registered with Faraskhana Police Station, Pune for offences under Sections 370, 370(A)(2), 363, 366(b), 372, 373, 344 r/w 34 of Indian Penal Code and under Sections 3,4,5,6,7 of The Immoral Traffic (Prevention) Act, 1956 and under Sections 4,16,17 of Protection of Children from Sexual Offences Act, 2012.

2. The case of prosecution is that PSI attached to Faraskhana Police Station lodged report stating that information was received that minor victim is detained and forced into prostitution at Budhwar Peth, Pune, House No.1035. The police along with panch witnesses and bogus customer went to the spot of incident and effected raid on 19th September 2019. Three girls were found sitting at the premises. Upon inquiry with one girl she told that she came to Pune for livelihood and she is indulging in prostitution. Inquiry was made

with other victim girls. One of them told that she was brought by Seema and Anis and forced to do prostitution by other accused Sana Shaikh. It was revealed that brothel is conducted by Runa Shaikh. The owner of the brothel was taken in custody. Incriminating articles were recovered. The accused were arrested. On completing investigation charge sheet is filed.

3. The applicant preferred application for bail before Sessions Court at Pune. The said application was rejected by order dated 18th December 2019.

4. Learned advocate for applicant submitted that applicant has been falsely implicated in this case. He is in custody from the date of arrest. He is arrested on the basis of statement of co-accused. Investigation is completed and charge sheet is filed. Most of the victims are major. The victims are kept in rescue foundation. The applicant has no criminal antecedents. There is discrepancy with regards to place of incident. The victims have not attributed any overt act to the applicant. There is no authentic evidence to show that the victim is minor. The minor was not subjected to prostitution.

5. Learned APP submitted that the offence is of serious nature. The victims were detained and forced to indulge into prostitution. The victim included a minor girl. Specific role has been attributed to the applicant. He was involved in conducting prostitution business. The victims were forced to indulge in prostitution activities. The statements of witnesses and the victim girls implicate applicant. The date of birth reflected on the passport of the victim girl shows that she is minor.

6. I have perused the charge sheet. The premises where the prostitution activities were conducted, was raided on 19th September 2019. Bogus customer was instructed to visit the brothel. At the time of raid three girls were found sitting at the premises. Another girl was also found in the room with bogus customer. According to the prosecution, one of the girl was aged about 16 years. On inquiry with the minor girl she stated that she came to India a month ago. She is having passport of Bangladesh. She came to Pune. She started indulging in to prostitution activities in Pune. Other victim girls also stated that they are into prostitution. One of them stated that she was brought to Pune on promise of providing job. She was confined and forced to indulge into prostitution. The other victim stated that she was brought four months ago to Pune. She used to part with earned amount with Sana Shaikh. The other accused was also collecting money earned from prostitution. The other victim also stated that she was promises of good job and forced into prostitution. The statements of victims were recorded. Investigation was conducted. Learned counsel for applicant had contended that radiology examination of the purported minor girl shows that she is above 17l years and below 19 years of age. The report of another victim shows that she was examined at Sasoon Hospital. She is more than 16 years but less than 18 years of age. The statement of minor victim was recorded. She has stated that she was brought to India after crossing border from Bangladesh. She was brought to Pune by a lady. She was taken to the place where prostitution activities were conducted. She was kept in house of Runa. Later she learnt that she was sold for Rs.25,000/- for the purpose of prostitution. The victim told Sana that she would not indulge into prostitution. With the help

of Wasim (applicant) and Pooja she was confined in house. She was threatened that in case she want to return to her house, she will have to indulge into prostitution. Customers had visited her for prostitution. Other victim girls were also subjected to prostitution by accused. They used to collect money from the customers. On 19th September 2019 the applicant and Sana were not in the house. Police raided the premises at that time and she along with others were rescued. The victim's aged is about 16 years. The statement of another victim was recorded. She is aged about 25 years. She stated that she was confined in the house with the help of applicant and other accused. The applicant and co-accused used to keep watch on her. The statement of other victims were also recorded. They have stated that they were forced into prostitution. She is sold for the purpose of prostitution for Rs.50,000/-. The age of the said victim was 20 years. The other victim was aged about 17 years. She has also stated that under the promise of good job she was handed over to the co-accused who told her that she has been sold for the purpose of prostitution. Thus, there is strong incriminating evidence against applicant. I have also perused the statement of Ganesh Kamble, Aarti Faitmalis. The passport of the victim girl shows her ate of birth as 6th January 2003 indicating that she was minor at the time of incident.

7. Thus, there is sufficient evidence against the applicant. The offence is of serious nature. Hence, no case for grant of anticipatory bail is made out. The application is rejected.

(PRAKASH D. NAIK, J.)