

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

BAIL APPLICATION NO.44 OF 2020

Suman Janglya Mojiwal ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Arun K. Rajput for the Applicant.
Mr. Ajay Patil , APP for the Respondent-State.
Mr. Sanjay D. Bhoir attached to Vasai P.Stn. Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 13th FEBRUARY, 2020

P.C. :

Heard.

2 Applicant seeks her enlargement on bail in Crime No.1470 of 2019 registered with Vasai Police Station for the offences punishable under Sections 376, 354, 363, 366(A), 368, 370, 370(A)(1)(2), 372, 373, 506, 509, 323, 34 along with Sections 4,8,12 and 21 of the Protection of Children from Sexual Offences Act, 2012 and Sections 4,5 and 6 of Prevention of Immoral

Trafficking Act, 2005.

3 I have perused the complaint. Victim's ossification test was conducted to ascertain her age which showed her age was 18-19 years. The alleged incident of trafficking and sexual exploitation for consideration dates back to 7 years. In the complaint, victim had alleged when she was 7 years old, applicant had abducted her from Miraroad to her house at Grant Road and had thereafter handed over her custody to one Rina (Co-accused). Subsequently, victim was taken to Jaipur where she was allegedly sexually exploited. Thus, in view of her present age, it may be stated, when she was allegedly abducted, she was 11-12 years old. Her complaint does not suggest that before the alleged incident of abduction, she had acquaintance or had known the applicant before. Therefore, it is not conceivable that child of that age would remember full name of the applicant nearly after a long gap of 7-8 years, which even the prosecution could not explain.

4 Be that as it may, investigation in this case is over and the charge-sheet has been filed. In view of the allegations, the manner in which complaint has been filed and in absence of criminal antecedents of the applicant, application is allowed. Hence, the following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No.I-1470 of 2019 registered with Vasai Road police station, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall report to the concerned police station on the first Monday of every month between 11 a.m. to 1 p.m. commencing from March, 2020 till charge is framed;
- (iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

5 The application is accordingly disposed of.

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)