

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

CRIMINAL BAIL APPLICATION NO. 2968 OF 2019

Priya Dinesh More

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Vishal M. Deshmukh, Advocate for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2020

PC :

1. The applicant is arrested in connection with C.R. No. 107 of 2019 registered with Dindoshi Police Station for offences punishable under Sections 370(2), 370(a) r/w Section 34 of Indian Penal Code and Section 3,4,5,7 (a), (b) of Immoral Traffic (Prevention) Act r/w Section 4,6,8 & 18 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). The FIR was lodged on 6th March, 2019.

2. The case of the prosecution is that on receipt of the information that the accused is indulging in prostitution activity, raid was conducted at the premises. The applicant was found in the premises along with victim. One customer was also found. He was

allegedly interacting with the victim. It is alleged that the victim was called by applicant and she accompanied applicant without apprehending untoward incident. She was taken to premises where the prostitution activity was being conducted. Before victim being forced into prostitution the police had arrived, the accused were apprehended. The age of the victim is 17 years at the time of incident. The co-accused was also found in the premises was arrested and granted bail.

3. Learned advocate for the applicant submitted that the applicant is in custody from the date of arrest. There are no criminal antecedents against her. The provisions of POCSO Act are not attracted in this case.

4. Learned APP submitted that the victim has attributed specific overt act to the applicant. The victim was minor girl, aged 17 years. She was saved by police.

5. On perusal of the FIR and the other documents it appears that, provisions of POCSO Act would not be attracted. There was no penetrative sexual assault. The applicant is lady. There was no sexual assault. There are no criminal antecedents against her. She is in custody for a period of about one year. Considering aforesaid circumstances, bail can be granted on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2968 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 107 of 2019 registered with Dindoshi Police Station on furnishing P.R. 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 every first Saturday between 11.00 am. to 1.00 pm.
- iv) The applicant shall stay out of jurisdiction of Dahisar Police Station, Pune.
- v) The applicant shall furnish the details of his residence after she is released on bail to the Investigating Officer.
- vi) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)