

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

CRIMINAL BAIL APPLICATION NO. 145 OF 2021

Jyoti Nilesh Shinde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Manish N. Jain i/b. S. M. Jain & Asso., for the Applicant.

Mr. S. S. Pednekar, APP for Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th MARCH, 2021

PC :

. The applicant is arrested on 19th July 2019 in C.R.No.591/2019 registered with Malvani Police Station, Mumbai for offences under Sections 366(a), 376(j), 370, 370(a), 465, 468, 471 and 34 of Indian Penal Code read with Sections 3, 4, 5, and 7 of Immoral Traffic Prevention Act (in short 'PITA') read with Sections 4, 6, 8 and 17 of The Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO').

2. On 19th July 2019, the Social Service Branch received information about prostitution activities. Raid was conducted with the help of bogus customer. The applicant and the victim were found

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at the place of raid. F.I.R. was registered on 31st August 2019. Statement of the victim was recorded. On completing investigation, chargesheet is filed.

3. Learned Counsel for the applicant submitted, that on the day of raid, the victim was major. There are contradictions in statement under Sections 161 and 164 of Criminal Procedure Code. The ossification test of victim showed that age of victim is about 18 to 19 years. The applicant is lady having three minor children. The victim in her statement had stated that the original Aadhar Card is at her residence along with Birth Certificate. The provisions of PITA Act can not be attracted against the applicant. The applicant has not committed any offence under the provision of POSCO Act.

4. Learned APP submitted that the victim was minor at the initial stage. Role has been attributed to the applicant in her statement under Sections 161 and 164 of Criminal Procedure Code.

5. The applicant is in custody for a period about one year and ten months. She is a lady. On the day of raid, victim was major. The ossification test showed that she was around 18 to 19 years.

6. Considering the factual aspects, further detention of the

applicant is not necessary.

7. Hence, the following order.

ORDER

- (i) Bail Application No.145 of 2021, is allowed.
- (ii) The applicant is directed to be released on bail in C.R.No.591/2019 registered with Malvani Police Station, Mumbai, on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the concerned Police Station once in three months on 1st Saturday of every month between 11.00 a.m. to 01.00 p.m. until further order;
- (iv) The applicant shall attend the trial Court on the date of the hearing unless exempted by the Court;
- (v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks;
- (vi) Bail Application No.145 of 2021 stand disposed of accordingly.

(PRAKASH D. NAIK, J.)