

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

CRIMINAL BAIL APPLICATION NO. 211 OF 2021

Ashwini Janardan Waghmare ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Roshani Singh, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

PSI-Sukumar Patil, RCF Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th FEBRUARY, 2021.

PC :

1. The applicant is arrested on 6th November, 2019 in connection with C.R. No. 336 of 2019, registered with RCF Police Station, for the offences punishable under Sections 366(A), 370, 370(A), 372, 376 r/w. 34 of Indian Penal Code, 1860 ("IPC" for short) and Sections 4, 6, 8, 10 and 17 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 3, 4, 5, 7 of Prevention of Immoral Traffic (Prevention) Act, 1956 ("PITA" for short).

2. The case of the prosecution is that information was received by the police about prostitution activity being conducted by lady named Radha. Bogus customer was sent. Raiding party

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proceeded to the place of incident. Victim and other girls were found at the premises. The co-accused Radha, Payal and Chandani were arrested at the premises. They are in custody. Statement of victim aged about 17 years was recorded. She stated that in September, 2019 the applicant had called her and she was introduced to one person. She was taken to a lodge, where she was subjected to a sexual intercourse by one person. Investigation is completed, charge-sheet is filed.

3. Learned counsel for the applicant submitted that the applicant is in custody from the date of arrest. There are no criminal antecedents against her. She has been falsely implicated in this case. She has a minor child to be looked after. According to victim, she was taken to a lodge. However, she is not specified, which place where she was taken. During the course of investigation, statement of two persons from two different lodges were recorded. Photograph of victim girl was shown to them. They have stated that the victim had never been to their lodge.

4. Learned APP submitted that the applicant's involvement is disclosed in the statement recorded under Section 164 of Cr.PC. The other co-accused were arrested at the time of raid, are in custody. The raid was conducted on receipt of information. The

applicant was not present at the place when the raid was conducted. However, victim and the co-accused were found at the said place. While recording the statement, victim has allegedly stated that the applicant had contacted her and she was taken to a lodge by changing her name. The place where the victim is taken is not disclosed. Investigation was conducted. The statements of lodge owner is recorded. They have stated that the victim had never been to their lodge. The applicant is a lady. She is in custody for substantial period of time. Considering these circumstances, bail can be granted to the applicant.

5. Hence, I pass the following order.

ORDER

- i) Bail Application No.211 of 2021, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 336 of 2019, registered with RCF Police Station on executing PR. bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;
- iii) The applicant is permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/- for a

period of twelve weeks in lieu of surety;

- iv) The applicant shall attend Trial Court regularly on the dates of hearing of the case, unless exempted by the Court;
- v) Bail Application stands disposed of accordingly.
- vi) This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)