

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

BAIL APPLICATION NO.487 OF 2020

Shabana Abdul Sattar	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Siddharth Jaiswal, Advocate for the Applicant.
Mr.Y.M. Nakhwa, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 7th, 2021.

P.C. :

The applicant was arrested on 10th September, 2019, in connection with C.R.No.356 of 2019, registered with Oshiwara Police Station, Mumbai, for the offences punishable under Section 370 (3) of Indian Penal Code ("IPC", for short) and Sections 3, 4 and 5 of The Immoral Traffic (Prevention) Act, 1956 as well as Section 17 of Protection of Children from Sexual Offences Act ("POCSO Act", for short).

2 The prosecution case is that on receipt of information that prostitution activities are being conducted by the applicant. Police raided the premises. Bogus customer was arranged.

He visited the premises. The applicant was found present at the premises. Two victim girls were rescued from the premises. The age of one of the victim girl was 21 years and the other victim girl was 17 years 11 months. Their statements were recorded. On completing investigation, charge-sheet is filed.

3 The statement of the victim girl who was purportedly minor states that she is aged about 18 years. She is resident of Mumbai. Her friend had introduced her to one person. Thereafter, the victim was introduced to the applicant. The victim was asked whether she would indulge in prostitution. The victim told her that she would reply on the next date. The victim met the applicant on 10th September, 2019. On the same day, police raided the premises. The statement of another victim was recorded on 11th September, 2019. She is aged about 21 years. She has stated that she had physical relationship with some persons, and, thereafter, she was introduced to applicant. She stayed with the applicant for three days. Police raided the premises. She has not stated that she had indulged in any prostitution activities, at the instance of the applicant. Both the victims were not subjected to prostitution activities at the instance of applicant.

4 Learned APP submitted that the applicant has been

named in the statements by the victim. Applicant is conducting brothel. She is indulging in prostitution activities. Both the victims have named the applicant. Role has been assigned to her.

5 However, considering the factual aspects, as stated above and also taking into consideration the fact that the applicant is in custody for one and half year, bail can be granted to the applicant.

6 Hence, I pass following order.

:: ORDER ::

- (i) Bail Application No.487 of 2020 is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.356 of 2019, registered with Oshiwara 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) Applicant shall report concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further order;

- (iv) Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety;
- (v) Bail Application No.487 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)