

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

**CRIMINAL APPLICATION NO.230 OF 2017
WITH
CRIMINAL APPLICATION NO.492 OF 2019
IN
CRIMINAL APPLICATION NO.230 OF 2017**

The State of Maharashtra ...Applicant

Versus

Vimal Prakash Thakur and Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO.231 OF 2017
WITH
CRIMINAL APPLICATION NO.493 OF 2019
IN
CRIMINAL APPLICATION NO.231 OF 2017**

The State of Maharashtra ...Applicant

Versus

Anju Sushil Thakur and Anr. ...Respondents

....

Mr. S.V. Gavand, APP for the Applicant in Appln/230/2017
Mr. P.H. Gaikwad, APP for the Applicant in Appln/231/2017.
Mr. Pradeep Kumawat i/b. Mr. P.R. Dave for Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 15th SEPTEMBER, 2021.

P.C.:-

Heard Mr. Gavand and Mr. Gaikwad, learned APP for the Applicant -State and Mr. Pradeep Kumawat, learned counsel for the Respondents. Perused the records.

2. By these applications filed under Section 439 (2) of the Code of Criminal Procedure, 1973, the State has sought cancellation of bail order dated 26/10/2016 passed in Bail Application No.2213 of 2016 and order dated 05/12/2016 in Bail Application No.2303 of 2016 passed by learned Sessions Judge, 39th Court, Greater Bombay.

3. Crime No.63 of 2016 was registered against the Respondents with DCB CID, Oshiwara Police Station for offences punishable under Section 120B, 366(A), 372, 373, 376, 420, 465, 468 471 of the IPC and Sections 3(1)1, 4 and 5 of the the Immoral Traffick (Prevention) Act, 1956.

4. The allegations in the FIR prima facie indicates that when the victim was seven years of age she was initially compelled to do house hold work and thereafter she was compelled to dance in dance bars. Victim was 23 years of age as on the date of lodging of the FIR. Considering the delay in lodging the FIR and the other material on record, learned Sessions Judge had ordered release of the Respondents on bail.

5. In my considered view the order is neither perverse nor does it suffer from infirmities. It is also on record that considering the nature

of accusation, this Court had granted pre-arrest bail to Ruby Thakur, main accused involved in the crime. The challenge to this order has been dismissed by the Hon'ble Supreme Court. Furthermore, the investigation is completed and charge sheet has been filed. It is also stated that the Respondents have not violated any of the conditions of the bail. Under the circumstances, no grounds are made out for cancellation of bail. Hence, the applications are dismissed.

CRIMINAL APPLICATION NO.492 OF 2019:-

6. In view of dismissal of the Criminal Application No.230 of 2017, Criminal Application Nos.492 of 2019 does not survive and hence stands disposed of.

CRIMINAL APPLICATION NO.493 OF 2019:-

7. In view of dismissal of the Criminal Application No.231 of 2017, Criminal Application Nos.493 of 2019 does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)