

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

CRIMINAL BAIL APPLICATION NO.1112 OF 2020

Arshand M. Akram Choudhary ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Prabhanjay R. Dave, Advocate for the Applicant.

Mrs. M. R. Tidke, APP for the Respondent – State.

Mr. Bapu Manik Salunke, P.S.I., Vinoba Bhave Nagar Police Station,
Kurla.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th JANUARY, 2021.

PER COURT:

1. This is an application for bail in C.R. No. 114 of 2020 registered with V .B. Nagar Police Station, Mumbai for offences punishable under Sections 366-A, 370, 313, 328, 354(C), 504 r/w Section 34 of Indian Penal Code and Sections 4, 6, 8, 10, 12 & 21 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 3, 4 & 5 of the Immoral Traffic (Prevention) Act, 1956 (for short "PITA Act"). The applicant was arrested on 9th June, 2020.

2. The FIR was lodged on 6th June, 2020. According to complainant her daughter aged 14 years left the house on 28th

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January, 2020. She could not be traced. On 5th June, 2020 complainant's neighbour Aslam Shaikh brought complainants missing daughter to her home. Inquiry was made with her. She disclosed that, she went to the house of friend (victim) aged 17 years. Both stayed at Haji Malang darga for 10 days. They met one Muskan who took them to Nasreen chowdhari. Their video was recorded by Nasreen while taking bath without their knowledge. The victims were forced into prostitution by Nasreen. The victim's pregenancy (complainant's daughter) was terminated. On 23rd May, 2020 both victims were asked to leave house.

3. It is submitted that, no role has been assigned to the applicant in the charge-sheet. The statements of the victims does not attribute role of forcing the victims in prostitution to the applicant. The statements of the victims was recorded under Section 164 of Cr.P.C. which do not referred to any overt act to the applicant. There are no criminal antecedents against the applicant.

4. Learned APP submitted that, in the statement under Section 161 of Cr.P.C. both the victims have referred to the presence of the applicant in the house when the alleged incident had occurred. Overt act is attributed to applicant. They have stated that the applicant used to handle money transaction with people visiting the

house. He used to be remain present in outside room. Victims were minors.

5. The applicant is son of Nasreen Chowdhary. The complainants daughter (victim) had narrated the incidents to complainant. The narration by victim has been reproduced in FIR. On perusal it is apparent that nothing is stated about applicant. Even his presence at premises is not mentioned. Statement of first victim was recorded on 8th June, 2010 under Section 161 of Cr.P.C. In the statement, it is stated that applicant used to execute money transaction with person visiting house of Nasreen. He used to instruct them to arrange bedding in room of Nasreen. Applicant used to remain present in outside room. He told complainant's daughter (first victim) that he loves her. If she intends to visit Govandi she should give call to him. Similar statement is made by other victim (friend of first victim). It is pertinent to note that in the FIR which is narration of victim, there is absolutely no reference is made to applicant. Even in the above statements, the victims had alleged that money were accepted from customers for victims indulgence by Nasrin. Immediately after above statements, both victim's statements were recorded under Section 164 of Cr.P.C. on 10th June, 2020. In these statements it is only stated that applicant is son of Nasreen and

he was residing with her. No other role is attributed to him.

6. In view of the above, bail can be granted to the applicant. Hence, I pass following order.

ORDER

- (i) Bail Application No.1112 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 114 of 2020 registered with V .B. Nagar Police Station, Mumbai, on executing PR. 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 first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) Application stands disposed of accordingly.

7. 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.)