

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

BAIL APPLICATION NO.3188 OF 2021

Usha Mohit Madiyan Applicant

Vs.

The State of Maharashtra Respondent

Mr. M.A. Khan a/w Tajammul Usman i/by Capri Legal for Applicant.
Mr. A.R. Kapadnis, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 17TH NOVEMBER, 2021

P.C.:

1. The applicant is seeking regular bail in Crime No.344 of 2020, registered with Mira Road Police Station, for an offence punishable under Sections 366A, 372 of Indian Penal Code, 3, 4, 5, 6 of PITA Act and 17 of POCSO Act after having suffered arrest on 29th December, 2020.

2. The prosecution case is, raid was carried out with decoy customer and the applicant was caught red handed, resulting into

registration of an F.I.R. As far as offence under Sections 3, 4, 5, 6 of PITA Act are concerned, but for statement under Section 161 of Cr.P.C., there is no other evidence to support the case of the prosecution. Even the statement under Section 164 Cr.P.C. does not support case of the prosecution.

3. Apart from above, there are no criminal antecedents against the applicant. That being so, a case for grant of bail is made out. The application is allowed on following conditions :

ORDER

(i) The applicant be released on bail in Crime No. 344 of 2020, registered with Mira Road Police Station, for an offence punishable under Sections 366A, 372 of Indian Penal Code, 3, 4, 5, 6 of PITA Act and 17 of POCSO Act, on furnishing P.R. bond in the sum of Rs.15,000/- with one or more local sureties in the like amount.

(ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

(iii) If applicant is found involved in similar type of offence, liberty is granted to the Court below to take out proceedings for cancellation of applicant's bail.

(NITIN W. SAMBRE, J.)