

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 605/2021

(Nitu wd/o Sachin Kohad Vs. State of Maharashtra)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R. M. Patwardhan, Advocate for applicant.
Shri S. A. Ashirgade, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 24.09. 2021.

Heard.

2. In anticipation of arrest in Crime No.403/2021, registered with the Police Station, Imamwad, District Nagpur for offence punishable under Sections 370, 370-A of the Indian Penal Code, Sections 3, 4, 5, 7 of the Immoral Traffic (Prevention) Act and Sections 4, 12 of the Protection of Children From Sexual Offences Act, the applicant is seeking for pre-arrest bail.

3. The State resisted bail by filing reply-affidavit.

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4. It is the prosecution case that on receipt of the secret information, the Police have conducted raid on the residential flat where they found that two girls were doing prostitution business. Co-accused namely Sagar Kajanikar who was conducting business, was caught on the spot and came to be arrested. According to the prosecution, one of the minor girl stated that co-accused - Sagar and applicant – Nitu have dragged her into prostitution business. Perusal of case diary indicates that besides statement of one of the minor girl, there is nothing against the applicant. Pertinent to note that the another girl who was found on the spot, says nothing against the applicant. It is submitted that co-accused Sagar is having rivalry terms with the applicant, hence applicant has been falsely implicated.

5. Be that as it may, it reveals that besides statement of minor girl, there is no other material against the applicant. The applicant was not found on the spot nor prosecution has shown applicant's

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connection with the concerned premises in the nature of rent receipt, ownership etc. The applicant is permanent resident of Nagpur for which her Adhar Card has been tendered. Moreover, there are no criminal antecedents against the applicant. Having regard to these facts, the applicant's liberty can be protected by directing her to join the course of investigation. In view of that, following order:-

(I) Application stands allowed and disposed of.

(II) In the event of arrest of applicant – Nitu wd/o Sachin Kohad, she be released on anticipatory bail on her furnishing P.R. Bond of Rs.50,000/- with one surety in the like amount.

(III) The applicant shall attend concerned Police Station on every Sunday in between 11.00 am. to 02.00 p.m. till filing of charge-sheet or for the period of three months whichever is earlier.

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(IV) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Gohane.