

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.312 OF 2022

SUNITA SHRIRANG SHELKE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. A. R. Borulkar, Advocate for applicant.
Mr. B. V. Virdhe, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22.03.2022

ORDER :-

. Heard learned Advocate Mr. A. R. Borulkar for the applicant. He submitted that present applicant has no concern with the incident as alleged in the First Information Report. It was a fake raid arranged by the Police. It is stated that the dummy customer was arranged by Police. Police say that they found a lady in front of the tin shed. Another lady was found with the dummy customer. It is alleged that the said lady had made statement that present applicant is the person, who forced her to be in the flesh trade. Though the applicant is stated to have been present there, she was not arrested by the police. This indicates that the police do not want custody of the present applicant. The facts of the case do not warrant custodial interrogation. The applicant is ready to abide by

the terms of the bail.

2. Per contra, the learned APP submitted that he is not armed with police papers as the matter is coming for the first time. However, the offence alleged against the applicant is heinous crime. Dragging somebody in the flesh trade by taking disadvantage of the poor financial condition of the lady is inhuman. Applicant does not deserve any sympathy.

3. At the outset, it is to be noted that the FIR has been lodged by P.S.I. Sunil Andhare of Sillod police station, Aurangabad. The police party had received specific information and, therefore, the raid was arranged. It was informed that the applicant (after disclosing her name) is said to be involved in running a brothel. Dummy customer was arranged and he was sent with instructions. Applicant was present in front of the house. She had accepted the tainted amount from the dummy customer. Dummy customer had then given signal to the raiding party and he was found with another lady. On inquiry with another lady, it was revealed that she was brought to Sillod for carrying prostitution by the present applicant after she noticed her poor financial condition.

4. No doubt, it is surprising as to how the present applicant was not arrested by P.S.I. rank officer, who was present at the spot. Instead of

calling for explanation, it is necessary to decide the application on merits. The allegations against the applicant are very serious. It is alleged that she had brought the lady into the business of flesh after considering her poor financial condition. This amounts to oppression. Morally also applicant does not deserve any sympathy. Another fact can be seen from the impugned order of the learned Additional Sessions Judge that one more offence is pending in the name of present applicant. It is bearing Crime No.219 of 2019. That means the applicant is on bail in that case. She has not filed copy of the judgment in that case. Therefore, if she has committed similar offence while released on bail, then she is not entitled to be released on bail in the present case. There is no question of waiting for papers by giving any interim relief. On account of all the above-said grounds, applicant is not entitled to get extraordinary and discretionary relief under Section 438 of Code of Criminal Procedure. Application, therefore, stands rejected at the threshold.

[SMT. VIBHA KANKANWADI, J.]

scm