

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1189 OF 2022

Sarita Nikhil Nikam @ Shabnam Salim Khudasi ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ujwal Agandsurve for the Applicant.

Mr. V.B. Konde Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 29 NOVEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 491 of 2021 registered at Foujdar Chawadi Police Station, Solapur for the offence punishable under Sections 370(A)(2) of Indian Penal Code and Sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956.

3. It is the case of the prosecution that on 16th July 2021 on the basis of secret information, the raid was conducted at Asmita Lodge and the present applicant and other co-accused were found to be running the brothel, there.

This order is corrected pursuant to the speaking to the
minutes of the order dated 15th December 2022.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is in jail for more than one year. It is submitted that there are no criminal antecedents. It is submitted that investigation is over and therefore, further detention of the present applicant is not warranted. It is submitted that considering these facts and circumstances, the applicant may be released on bail.

6. On the other hand, the learned APP for the State submits that the applicant is involved in serious offence of running brothel. It is submitted that the victims were induced to indulge in prostitution activity. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. All the offences are punishable for less than seven years. The applicant is in jail for more than one year. There are no criminal antecedents. The investigation is over. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Sarita Nikhil Nikam @ Shabnam Salim Khudasi be released on bail in Crime No. 491 of 2021 registered at Foujdar Chawadi Police Station, Solapur for the offence punishable under

Sections 370(A)(2) of Indian Penal Code and Sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the Anti Human Traffic Unit, Solapur City, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(iv) The applicant shall not give any threat or inducement to the prosecution witnesses.

(N.R. BORKAR, J.)