

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

ANTICIPATORY BAIL APPLICATION NO.859 OF 2022

1. Moni Nepali Raj

2. Soni Nepali Raj

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Mr. Atal Bihari Dubey with Mr. Rahul Mishra for the Applicants.

Mr. S.H. Yadav, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st MARCH, 2022.

P.C.:-

1. This is an application for pre-arrest bail filed by the Applicants apprehending their arrest in Crime No.115 of 2021 registered with Charkop Police Station, Mumbai, for offences punishable under Sections 366(A), 372, 465, 467 of the IPC and Sections 4, 5 and 9 of the Immoral Traffic Prevention Act, 1956.

2. Heard Mr Atal Bihari Dubey, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the prosecutrix. The FIR indicates that the parents of the victim had pushed her into prostitution. The Applicants herein are the sisters of the prosecutrix. The allegations against these Applicants are that on 21/01.2020 while the prosecutrix tried to leave her parents' house, the Applicants and other relatives had assaulted her.

4. Though the allegations against the parents of the prosecutrix are serious, the allegations against the Applicants are only for beating the prosecutrix while she tried to leave the house. Moreover, the investigation is completed and charge sheet has filed against other co-accused. Considering the nature of allegations against the Applicants and the fact that presence is not required in custody pending trial, particularly considering the fact that the trial is not likely to be concluded in near future, in my considered view the Applicants are entitled for pre-arrest bail.

5. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.115

of 2021 registered with Charkop Police Station, Mumbai, the Applicant shall be released on bail on executing PR bonds in the sum of Rs.30,000/- each with one or two solvent sureties each to the like amount;

(ii) The Applicants shall attend the concerned police station as and when called and shall co-operate with the investigation.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)