

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3254 OF 2021

GANGASAGAR @ RANI DIGAMBAR BALKE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr.Sachin Babulal Chandan, Advocate for the Applicant.

Smt.PP.Shinde, APP for the Respondent – State.

Mr.Maitreya Shukla, Appointed Advocate for the Respondent

Nos.2 & 3.

CORAM : V. G. BISHT, J.

**RESERVED ON : 8th DECEMBER 2021
PRONOUNCED ON : 3rd JANUARY 2022**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.I-53 of 2020 registered with Police Station Samarth, Pune, for offences punishable under Section 376, 109, 370 and

AVK

1/6

370A of the Indian Penal Code (IPC) and Section 3, 4 and 5 of Immoral Trafficking Prevention Act, 1956.

2 The prosecution case in short is that on 14th February 2020, informant, a Police Nayak, received a secret information that the accused, namely, Sagar Kalbhor and Ruksana Shaikh are engaged in flesh trade by procuring young girls. Accordingly, a trap was laid and minor victims were found who disclosed that initially they were coerced into prostitution by one female by name Rani i.e. the applicant, who had further introduced them to the accused Ruksana Shaikh. Thereafter, the said accused coerced them into prostitution. Accordingly, First Information Report (FIR) came to be lodged.

3 Mr.Sachin Chandan, learned counsel for the applicant, submits that the co-accused, namely, Ruksana Shaikh and Sagar Kalbhor have been admitted on bail. Since the applicant is similarly placed, she be also released on bail. Moreover, investigation is completed and charge-sheet has been

filed. There are no other criminal antecedents. In such circumstances, the application deserves to be allowed, urged the learned counsel.

4 Smt.P. P. Shinde, learned APP, on the other hand, opposed the submissions and invited my attention to the statement of minor victim and submitted that the said victim and other similar minor victims were forced into prostitution. Having regard to the seriousness of offence, the application deserves to be rejected, argued learned APP.

5 Similarly, learned counsel for respondent nos.2 and 3 has opposed the application by supporting the submissions of the learned APP. According to the learned counsel, the victims were dragged into prostitution racket and in such circumstances, the applicant does not deserve to be enlarged on bail.

6 Perused the investigation papers. I have also gone through the statement of victim filed on record at page no.137.

It appears from her statement that the victim was lured into prostitution and since the victim was also in need of money, she fell prey to the allurements of applicant. It further appears that thereafter she came in contact with other accused.

7 Although, prima facie, it may appear that the applicant had introduced the victim to the illegal profession, but at the same time, it is also clear that the victim was also in need of money. However, that cannot be a justification.

8 The applicant is in jail since 19th February 2020. Moreover, investigation is completed. Having regard to the punishment, no purpose would be served by keeping the applicant behind the bars. Therefore, I am inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Applicant – Gangasagar @ Rani Digambar Balke shall be released on bail in Crime No.I-53 of 2020 registered with Police Station Samarth, Pune, on her executing PR.Bond in

the sum of Rs.20,000/- with one or two sureties in like amount.

- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall not indulge, in any manner, in any other criminal activities.
- (iv) Bail before the trial Court.
- (v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (vi) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)