

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO.4344 OF 2021**

|                             |   |    |             |
|-----------------------------|---|----|-------------|
| Naiyda Mohd. Salim Shaikh @ | ] |    |             |
| Nahida Salim Shaikh         | ] | .. | Applicant   |
| vs.                         |   |    |             |
| State of Maharashtra & Ors. | ] | .. | Respondents |

Mr.Vishal Deshmukh for the Applicant.

Mrs.A.A. Takalkar, APP for the State.

Ms.Chetna Birje for Respondent No.2.

PSI Waykos, Malad Police Station present.

**CORAM : BHARATI DANGRE, J**

**DATE : 18<sup>th</sup> OCTOBER, 2022.**

**P.C.**

1] The Applicant is charged for the offence under Section 366A, 370(3), 372 read with 34 of the Indian Penal Code, under Section 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, Section 16, 17 and 18 of the POCSO Act and Section 81 and 87 of the Juvenile Justice (Care and Protection) Act. She came to be arrested on 27.08.2021 and since then she is incarcerated.

The investigating machinery was set into motion at the instance of the complainant-working in Project Kalki, who is indulged in activity of rescuing and rehabilitation of girls/women involved in trafficking.

2] The complainant received an information that the victim girls are engaged in prostitution and therefore a team was constituted with the aid of bogus customer and a trap was led. Two girls were rescued during the trap, one woman being aged 24 years and a minor girl. The Applicant, though not named in the FIR, was named by one of the victim women aged 24 years.

Her statement recorded on 28.08.2021 is compiled in the charge-sheet. When her statement is perused, the adverse circumstances which she was facing being a married lady, are narrated, when she state that her husband was having extra marital affair and she started residing with her parents and was in need of work. She was introduced to the present Applicant through a common friend. When she asked her whether she is interested in activity which is not prestigious, she consented, since she was in need of money and her financial situation was bad. She has sated that, thereafter, she indulged into flesh trade on several occasions and she was paid some money by the present Applicant.

3] When the aforesaid statement is carefully perused, it can be seen that the victim is major and she has admitted in her statement that it was on account of need of money, she had indulged herself into flesh trade and became part of the trafficking racket.

4] In any case, in the wake of statement of the victim woman, though she may take consequences of the accusations faced by her, she need not be further detained and she deserves to be released on bail subject to stipulation that she shall attend the trial regularly.

5] The observations made above are prima facie in nature and

limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

**ORDER**

- (a) Application is allowed.
- (b) Applicant – Naiyda Mohd. Salim Shaikh @ Nahida Salim Shaikh shall be released on bail in connection with C.R.No.709/2021 registered with Malad Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) The Applicant shall regularly attend trial, on every date, unless he is exempted.
- (f) After release, the Applicant shall intimate the Investigation Officer about her residential address and contact number and keep him updated if there is any change.

**[BHARATI DANGRE, J]**