

GRM

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

CRIMINAL BAIL APPLICATION NO. 3124 OF 2022

SARIKA SAWANT @ SARIKA GAJANAN
GOLATKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Anil S. Kamble a/w Ms. Reena R. Sharma, Adv. for the
applicant.

Mr. N. B. Patil, APP for the Respondent-State.

Mr. Arvind Khamkar, PSI, Shivaji Park Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2022.

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application for bail. It is alleged that the applicant and her husband were running Unisex Saloon in Mahim, wherein the unlawful activities, which are punishable under Section 370(3) read with 34 of the Indian Penal Code, 1860 along with Sections 3, 4, 5 & 7(1)(B) of the Immoral Trafficking (Prevention) Act were carried on. The applicant was granted anticipatory bail on 10th January, 2018 by the Sessions Court. One of the sureties furnished by the applicant was rejected. The other surety was found

to be bogus. The applicant could not avail pre-arrest bail. Sometime in 2018, the applicant gave birth to a girl child. Thereafter the non-bailable warrant was issued and pursuant to the proclamation issued, the applicant says that, she surrendered herself, along with her one year daughter, before the learned Magistrate on 24th September, 2019.

3. So far as the applicant's husband is concerned, who is accused no. 1, he was granted bail by the learned Sessions Court, Mumbai on 2nd January, 2019. The applicant is in custody for more than 3 years and 3 months.

4. I am informed that the charge has been framed recently. The trial in any case will take a long time to conclude. The applicant's minor daughter is along with her in the custody. The applicant though granted anticipatory bail, could not avail of the order, as she was unable to furnish surety.

5. Taking an overall view of the matter, the custody of applicant is not required to be continued any further. The charge-sheet has already been filed. The investigation in the matter is complete.

6. I am informed that though the husband of applicant was released on bail, he was since arrested in another offence. However, the applicant being a woman, who has suffered incarceration for more than three years, in my opinion, can be released on bail. No criminal antecedents are reported. In the result, the following order is passed :-

ORDER

- (a) Criminal Bail Application No. 3124 of 2022 is allowed.
- (b) The applicant-SARIKA SAWANT @ SARIKA GAJANAN GOLATKAR shall be released on bail in connection with C.R. No. 305 of 2017 registered with Shivaji Park Police Station, on her furnishing P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one or more sureties in the like amount.
- (c) In addition to the aforesaid conditions, the applicant shall be released on furnishing cash bail of Rs. 15,000/- (Rupees Fifteen Thousand Only) in lieu of sureties for a period of six (6) weeks from today.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

- (e) The applicant shall report to the Investigating Officer on Monday of every week between 10.00 a.m. & 1.00 p.m. for a period of 3 months and thereafter as and when called.
- (f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (g) Application is disposed of accordingly.

(M. S. KARNIK, J.)