

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 BAIL APPLICATION NO.729 OF 2023

LAXMIBAI W/O. DILIP MUSALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

BAIL APPLICATION NO.742 OF 2023

1. KIRAN SANTOSH PHALE
2. SAPNA VICKY KHANDARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant in BA/729/23 : Mr. Syed G. R.
Adv. for Applicants in BA/742/23 : Mr. Faij Khan Jarif Khan.
APP for Respondent-State : Mr. S. P. Deshmukh.
Advocate for Respondent No.2 : Mr. Shriniwas Kulkarni –
Appointed through Legal Aid.

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CORAM : S. G. MEHARE, J.
DATE : 06.06.2023

PER COURT :-

1. Heard the learned counsels for the applicants, learned APP for the respondent-State and the learned counsel for respondent No.2.

2. The applicants are seeking bail in Crime No.105 of 2023, registered with Police Station Nanalpeth, District Parbhani, for the offences punishable under Sections 406, 323, 342 of the

IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956.

3. Perused the papers. The applicants are languishing in jail for more than two months. It appears that there was a dispute over the money between the applicants and the victim. There is no material on record that the victim ever tried to flee away from the house of the applicant Laxmibai. The papers reveal that she was living there consciously and making money for her own. Considering the material on record, it would be difficult at this juncture to accept that the complainant/victim was forced to indulge in prostitution. Be that as it may, the offences for which the applicants have been charged are not punishable for more than seven years. Nothing is to be recovered from them. Therefore, their detention would be fruitless. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicant **LAXMIBAI W/O. DILIP MUSALE** in Bail Application No.729 of 2023 and Applicant Nos. **1. KIRAN SANTOSH PHALE** and **2. SAPNA VICKY KHANDARE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand

only) each with one solvent surety of the like amount each, in Crime No.105 of 2023, registered with Police Station Nanalpeth, District Parbhani, for the offences punishable under Sections 406, 323, 342 of the IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, on the following conditions :

- (a) The applicants shall not involve in the similar activities.
 - (b) They shall not trap any other woman like complainant/victim in future.
 - (c) They shall attend the trial on each and every effective date after filing of the charge sheet.
 - (d) They shall not threat the victim till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services, Sub-Committee, Aurangabad do pay the legal fees to advocate Mr. Kulkarni as per the schedule.

(S. G. MEHARE, J.)

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