



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

BAIL APPLICATION NO.1814 OF 2023

SHAMA IBRAHIM SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Satish Raut h/f Adv. Amarnath S. Boddul for the
applicant.

Ms. Veera Shinde, APP for the State.

PI Mahadeo Pandurang Raut, Solapur.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 28, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 370(A)(2) of the Indian Penal
Code (hereafter 'IPC' for short) and under Sections 3, 4, 5,
6 of Immoral Traffic (Prevention) Act, 1956 registered vide
C.R. No.113 of 2023 with Vijapur Naka Police Station,
Solapur.

3. The FIR is registered on 28.02.2023. There are three
accused. The applicant was arrested on 28.02.2023. It is

alleged that it is the applicant who is accused No.1, procured the victim girl which is an offence under the aforesaid sections. The victim is 20 years of age as per the prosecution. The victim is 28 years of age as per Aadhaar Card. The accused No.2 was the Manager of the Hotel, is enlarged on bail. The accused No.3 is also an agent who has been enlarged on bail by the Sessions Court.

4. Learned APP vehemently opposed the present application. It is submitted that there is a criminal antecedent of the year 2020 against the present applicant for a similar type of an offence. According to learned APP, it is while on bail, the applicant committed this offence.

5. A reading of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure reveals that the applicant called her telephonically and made the offer. This the prosecution alleges is an offence under the aforesaid sections. Prima facie, there appears to be no force or pressure exerted by the applicant on the victim. When the victim reached the hotel and was in company of the accused, the raid was carried out.

The accused were arrested. In the present facts, I am inclined to enlarge the applicant on bail. However, learned APP submitted that considering the propensity of the applicant in committing such offences, the applicant should not be allowed to stay in Solapur district till conclusion of the trial. I find force in this submission.

6. Considering that the co-accused have been enlarged on bail, the applicant is a woman, now that the investigation is complete and the charge-sheet has been filed with the possibility of the trial concluding any time soon appearing to be distant, I am inclined to release the applicant on bail but by imposing some stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Shama Ibrahim Shaikh in connection with C.R. No.113 of 2023 registered with Vijapur Naka Police Station, Solapur shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Vijapur Naka Police Station, Solapur once a

month, on the first Monday of every month between 11.00 am and 1.00 pm.

(d) The applicant shall not enter Solapur district initially for a period of six months except for attending the trial and the Investigating Officer.

(e) Liberty to file appropriate application for modification of condition No.(d) after six months.

(f) 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.

(g) 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.

7. The application is disposed of.

(M. S. KARNIK, J.)