



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

BAIL APPLICATION NO.228/2023

POOJA @ LALITA BAHADUR VARMA ..APPLICANT
VS
STATE OF MAHARASHTRA & ANR ..RESPONDENTS

Adv. R. R. Singh for the Applicant.
Ms. Veera Shinde, APP for the State.
Adv. H. R. Chavan for respondent no.2.
API Prashant Kharat, Navpada Police Station, Thane City.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the respondent no.2.
2. This is an application for bail in respect of the offence punishable under Sections 370(2), 370(3) and 366(a) of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 5 of the Immoral Traffic (Prevention) Act, 1956 (hereafter 'the PITA Act' for short) read with Sections 17 and 18 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO', for short), registered vide First Information Report (FIR) No.180/2022 with Naupada Police Station.

3. It is alleged that the applicant had called the victims on the pretext that she will offer them a job on 6/7/2022. The applicant as well as the victims met on 6/7/2022 at a restaurant. At the restaurant the raiding party apprehended the applicant and took her to the police station.

4. I have perused the statements of the victims. Except for the fact that the victims were at the restaurant for securing employment, there is no material to indicate that the victims are called any other purpose.

5. One of the victim is present before the Court. I had requested Mr. H. R. Chavan to interact with her. The victim informed learned counsel appointed by this Court that she has no grievance against the present applicant and that she has no objection to release the applicant on bail.

6. The minor victim girl whose statement is at page 79 is personally present in the Court. Though it is the case of the prosecution that the victim is a minor girl, Aadhar card indicates that she is major. Be that as it may, prima facie, in view of the materials on record, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. The applicant does not

appear to be a flight risk. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant - Pooja @ Lalita Bahadur Varma in connection with FIR No.180/2022 with Naupada Police Station, 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.
- (d) The applicant shall report to the Investigating Officer of the Naupada police station once in two months every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m., commencing September, 2023.
- (e) 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/her from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (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.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by the advocate - Mr. H. R. Chavan representing the respondent no.2.

9. The legal services authority may regularize the appointment of Mr. H. R. Chavan for the purpose of fees.

(M. S. KARNIK, J.)