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

BAIL APPLICATION NO. 688 OF 2022

Muskan Abdul Hafiq Shaikh

@ Muskan Hafis Shaikh

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Shaikh Khwaja a/w Mr. Abhay G. Dolas, Ms. for the Applicant.

Ms. Shivani Kunder, for Respondent No. 2.

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

Senior PI- Mr. Darekar, Zone 12, SB-1, Mumbai present.

PSI- Mr. Sudhir Sapkal, Gorai present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 7, 2023

P.C. :

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

2. This is an application for bail in respect of C.R.No. 54 of 2021 dated 26/10/2021 registered with Gorai Police Station for the offence punishable under sections 370 (3) of of the Indian Penal Code, 1860, sections 16, 17, 18 of Protection of Children from Sexual Offences Act, 2012,

sections 4 and 5 of the Prevention of Immoral Traffic Act, 1956 and sections 75, 81 and 84 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

3. The victim at the relevant time was 17 years of age, a minor. It is alleged that the applicant- a woman is engaged in doing the business of prostitution. It is alleged that she has induced the victim to indulge in prostitution. On the relevant date i.e. 25/10/2021, a trap was laid. The raiding party apprehended the applicant and it was found that money which she had obtained for providing the victim to a customer for indulging in prostitution was recovered. I have gone through the statement of the victim dated 19/11/2021. The victim has stated that she was not getting any money from her parents and therefore left her parent's house. In the statement of the victim, she has narrated that she met the applicant who assured her that she could help her get money. The victim later realised that it is through such illegal course that the applicant would be providing her money. There is no material to indicate that the applicant was aware that the victim was minor at that

time. Prima facie, from the statement of the victim, it does not appear that the applicant has forced the victim into prostitution. These are of course tentative observations for limited purpose of deciding this application. There are no criminal antecedents reported against the applicant. The applicant is a woman of 24 years of age. Learned Sessions Judge has observed that the applicant has no permanent place of residence in Mumbai and there is every possibility of her absconding. In my opinion, stringent conditions can be imposed on the applicant instead of depriving the applicant the facility of bail altogether. The trial is likely to take considerable time. The applicant who is already in custody for more than 1 year and 3 months should not be further incarcerated by way of punishment. The investigation is complete and the chargesheet is filed. The applicant will face the consequences if the trial Court is to convict her. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Muskan Abdul Hafiq Shaikh @ Muskan Hafis Shaikh in connection with C.R.No. 54 of 2021 dated 26/10/2021 registered with Gorai Police Station shall be released on bail on her furnishing P.R. bond in the sum of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant shall not leave the jurisdiction of Mumbai without leave of the trial Court.

(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. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish her contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall report to the investigating officer once in 15 days on every alternate Saturday of the month between 11.00 a.m. and 12.00 noon.

4. The application is disposed of.

(M. S. KARNIK, J.)