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

BAIL APPLICATION NO.975 OF 2023

REKHA LALAN KANOJIYA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

Adv. Navin Shrivastava i/b. Adv. Vishnu V. Bhatt for the applicant.

Ms. Veera Shinde, APP for the State.

Adv. Saili Dhuru for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 6, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.

2. This is an application for bail in respect of the offence punishable under Sections 370(3), 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 5, 7(2) (b) of Immoral Traffic (Prevention) Act (hereafter 'PITA Act' for short), under Sections 4, 8, 12 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered on 05.06.2021 vide FIR No.574 of 2021 Goregaon Police Station.

3. The FIR is dated 05.06.2021. The applicant was arrested on 06.06.2021. It is the allegation of the prosecution that the raid was conducted on 05.06.2021 and a decoy customer of the raiding party contacted the applicant. It is the allegation of the prosecution that the applicant was involved in supplying girls for the purpose of prostitution. A decoy customer handed over money to the applicant. One of the victim is a minor aged 17 years of age. I have perused the statement of the victims. I have also perused the statements of the victims recorded under Sections 161 and 164 of the Code of Criminal Procedure.

4. The application is opposed by learned APP and learned counsel appearing for respondent No.2. It is submitted that the accusations are serious and it is because of the timely intervention by the raiding party that two victims are saved from the clutches of the present applicant.

5. The applicant is in custody for almost two years and six months. The applicant is a woman. There are no criminal antecedents reported against the applicant. The applicant cannot be incarcerated indefinitely pending trial. The

applicant will face the consequences of the trial if found guilty. The investigation is complete and the charge-sheet has been filed. The co-accused – Niraj Agrawal at whose house the victims were found has been enlarged on bail. Though parity is not applicable as rightly submitted by learned counsel for respondent No.2, nonetheless in the facts and circumstances of the present case as the trial is not likely to conclude any time soon, the applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rekha Lalan Kanojiya in connection with FIR No.574 of 2021 registered with Goregaon 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 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Goregaon Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall not enter into the area where the victims reside and shall not establish any contact with the victims. If it is found that the applicant is threatening the victims or in contact with them. This can be a ground for cancellation of this bail.

(i) Further if it is found that the applicant is involved in similar activities, it is open for the prosecution to apply for cancellation of bail.

6. The application is disposed of.

7. I appreciate the assistance rendered by Ms. Saili Dhuru, learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Learned advocate may be paid the fees as prescribed by the Legal Aid Services Authority or if not prescribed, the same is quantified at Rs.5000/-.

(M. S. KARNIK, J.)