



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

BAIL APPLICATION NO.807 OF 2023

VARSHA VINOD BISHT

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Amandeep Singh Bolle, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Dr. Dhanalakshmi Iyer, for victims.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 3, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel appearing for the victim appointed by legal aid.

2. This is an application for bail in respect of the offence punishable under sections 366A, 370(1)(4), 372 read with 34 of the Indian Penal Code, 1860, under sections 4 & 5 of the Immoral Traffic (Prevention) Act, 1956 and under sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012 registered on 29/12/2021 vide C.R. No.548 of 2021 with Bhayander police station. There are 2

accused. The applicant is the accused no.2. The applicant was arrested on 29/12/2021.

3. There are 2 victims, one of which is a minor. I have perused the statements of victims at page nos. 108 and 115 of the paper-book. Learned APP as well as learned counsel for the victims submitted that offence is serious in nature. Learned counsel for the victims submitted that one of the minor victim is forced into prostitution and the present applicant is actively involved in the present offence. Learned counsel submitted that having regard to stringent provisions of POCSO and the object of enacting the said Act, this application should not be allowed.

4. The applicant was arrested on 29/02/2021 and now in custody for more than 2 years and 8 months. Reading of the statements of the victims reveals that there is no force or pressure exerted on them. At the time of raid, the prosecution sent a decoy customer. So far as the applicant is concerned, role assigned is that she was accompanying the co-accused. It is the co-accused who brought the victims. Apart from accompanying the co-accused, there is no material against the present applicant. There are no

criminal antecedents reported against the applicant. Considering that the applicant is incarcerated as under trial for more than 2 years and 8 months and as the investigation is complete, the charge-sheet has been filed, further custody of the applicant will only be by way of pre-trial punishment. The applicant is therefore enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Varsha Vinod Bisht in connection with C.R. No. 548 /2021 registered with Bhayander 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 Bhayander 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 contact, intimidate or threaten the victims.

5. The application is disposed of.

6. I appreciate the valuable assistance rendered by Dr. Dhanalakshmi Iyer, the learned Advocate, who appeared on behalf of the victims in this proceeding.

(M. S. KARNIK, J.)