

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2249 OF 2021**

Runa Hafijzur Shaikh

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

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Mr. Aniket Nikam a/w Mr. Vivek Arote for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Shaikh Mohammad Yakub Mohammad Yusuf for
Respondent No. 2.

Mr. Manoj Abhang, API, Faraskhana Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 3 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 348 of 2019 registered at Faraskhana police station for the offences punishable under Sections 370, 370(1), 363, 366, 372, 373, 344 read with 34 of the Indian Penal Code and Sections 3,4,5,6,7 of Prevention of Immoral Traffic Act, 1959 and under Sections 4,6,17 of Protection of Children from Sexual Offences Act, 2012.

3. The Senior Police Inspector of Faraskhana police station got an information that in a brothel at Budhwar Peth, Pune, the minor girls are made to indulge in prostitution activity. Pursuant to said information on 19 September 2019 raid was conducted, two minor girls were found in the said brothel.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the statement of minor victim girls recorded under Section 161 and 164 of the Code of Criminal Procedure. One of the minor victims has stated that the present applicant compelled her to indulge in prostitution activity. After the raid, the said victim was medically examined and her hymen was found to be intact, though according to her she was subjected to sexual intercourse. The other minor victim has not named the present applicant either in the statement recorded under Section 161 or 164 of the Code of Criminal Procedure.

5. This Court by order dated 9 September 2020 in Bail Application No. 164 of 2020 filed by the co-accused directed the trial Court to conclude the trial expeditiously.

6. The learned counsel for the applicant on instructions submits that in spite of above order only charge is framed. It is submitted that applicant is in jail for three and half years and there are no other

criminal antecedents. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 348 of 2019 registered at Faraskhana police station for the offences punishable under Sections 370, 370(1), 363, 366, 372, 373, 344 read with 34 of the Indian Penal Code and Sections 3,4,5,6,7 of Prevention of Immoral Traffic Act, 1959 and under Sections 4,6,17 of Protection of Children from Sexual Offences Act, 2012 on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)