

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2704 of 2022

Mamta Pradeep Das

.... Applicant

Versus

The State of Maharashtra and anr.

.... Respondents

Ms. Karishma Chikhaliwala along with Mr. Shambhu Jha, Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent No.1-State.

Ms. Nilima Sarvagod, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.122 of 2022 registered with Mira Road Police Station for offences punishable under Sections 366(A), 370(1), 370(4), 372 and 34 of Indian Penal Code, 1860, Sections 4 and 5 of PITA Act and Sections 16, 17 and 18 of Protection of Children from Sexual Offences Act.

2. It is prosecution's case that on 22nd March 2022, police received information that applicant provides girls to customers for sexual needs. Thereafter police sent decoy customer and found that

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the said information was true and trap was led. In the said trap, police arrested applicant along with victim girl.

3. It is the contention of learned counsel for applicant that applicant has been falsely implicated in this case. The statement of victim girl is recorded on 21st and 24th March 2022 wherein she has stated that she was not forced by the applicant for any sexual relations with anyone. Applicant is behind bar for more than 19 months. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant was doing business of providing girls for sexual needs. Victim girl was arrested from the place of applicant. There is prima facie case against the applicant. Hence, requested to reject the application.

5. Learned counsel for respondent No.2 reiterated the submissions of learned APP.

6. I have heard both learned counsel, perused the FIR and charge-sheet.

The statement of victim girl shows that she has not committed any sexual intercourse with anyone as alleged by the prosecution. Applicant is behind bar for more than 19 months.

Investigation is completed and charge-sheet has been filed.

7. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.122 of 2022 registered with Mira Road Police Station on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed off.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)