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

BAIL APPLICATION NO.2360 OF 2023

PRAGYA JITENDRA DARJI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Vrushali a/w Adv. Shweta i/b. Adv. Mainak Adhikary for the applicant.

Ms. Veera Shinde, APP for the State.

Adv. Onkar A. Wable for respondent No.2.

Mr. Jagdish Bhopale, PI, I.O. and Mr. Sunil Sonawane, PSI, Pairavi, Charkop Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 2, 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), 366(A) read with 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 17, 18 of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) and under Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 registered on 19.04.2023 vide C.R. No.116 of 2023 with Charkop Police Station, Mumbai.

3. It is the prosecution case that on the basis of a secret information, a raid was conducted on 18.04.2023 at flat No.603, Vandana Building, Dahanukarwadi, Kandivali (W), Mumbai. A decoy customer called on a particular number belonging to the present applicant and demanded a girl for prostitution. A photograph alongwith details of the girl was received by the decoy customer on his whatsapp number. On instructions from the Investigating Officer, the decoy customer contacted on the same number and asked for address. The door of the said flat was opened by the present applicant. The raiding team entered the flat and found a female aged 31 years in one of the bedroom alongwith the decoy customer. In another bedroom a female aged 25 years was found with one person. One more girl i.e. the minor victim was found sitting on the sofa whose age is 17 years.

4. Learned APP and learned counsel for respondent No.2 opposed the application for bail. It is submitted that the applicant has forced the minor victim into prostitution and the minor girl was found in the premises of the applicant. It

is further submitted that an amount of Rs.6,000/- was recovered from the applicant which the decoy customer handed over to the present applicant.

5. I have gone through the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure of the victim as well as the statements of the other victims. There is nothing on record to indicate that the applicant was the one who exerted any force or pressure on the victims. So far as the minor victim is concerned, it is her version that since she was in need of some job, one of the friend suggested her that she should contact the applicant who will offer the employment. There is nothing on record to indicate that the minor victim was forced into any of the alleged activity which is an offence under the aforesaid sections. Furthermore, there is nothing on record to indicate that the applicant was aware that the victim was a minor when she contacted her nor does the statement of the minor victim reflect as such. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been

filed. The applicant does not appear to be a flight risk. The applicant will face the consequences of the trial. The applicant is a woman. The applicant was arrested on 19.04.2023 and is in custody for more than six months. The trial is likely to take some time to conclude. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Pragya Jitendra Darji in connection with C.R. No.116 of 2023 registered with Charkop Police Station, Mumbai 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 Charkop Police Station, Mumbai twice a month on the first and third Monday of every month between 11.00 a.m. to 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 leave the county without the permission of the trial Court.

(i) The applicant shall surrender her passport, if any, to the investigating officer.

6. The application is disposed of.

7. I appreciate the valuable assistance rendered by Mr. Onkar A. Wable, the 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.5,000/-.

(M. S. KARNIK, J.)