

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1212 OF 2024

Asha W/o Hasan Shaikh

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicant : Mr. Patil Ujwal Subhash

APP for Respondent/State : Mr. S.P. Sonpawale

Advocate for Respondent No.3 : Ms. Vanita Sangole (Appointed
Through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no.3/victim.
2. The applicant seeks bail in Crime No.14 of 2024 registered with Harsul Police Station, District Aurangabad for the offences punishable under Sections 370(1), 370(A), 372, 373, 376, 376(2)(n), 343 r/w 34 of the Indian Penal Code, Sections 4, 6, 8, 12 of the Protection of Children From Sexual Offences Act and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act.
3. It has been alleged against the applicant that one of the co-accused brought the victim from Bangladesh and handed over her to the present applicant. That time, she told her that she had purchased her for Rs.5 lac and wants to make Rs. 5 Crore from

prostitution to be done from her. She forcefully administered her liquor and asked her to do sex with a young boy of 27 years old. From the next day, she used to take her to the red light district of Pune. She was forcing her to do the prostitution daily and taking her to one flat in the night. She also took her to one hotel for prostitution. She went there with another lady. She was also in prostitution. She promised her to provide her good job. Hence, she went with her to another town. She brought her to Aurangabad and again forced her to do the prostitution business under the promise to provide her a better job. It has been alleged against the applicant that she purchased the victim and forced her to indulge in the prostitution.

4. Learned counsel for the applicant would submit that the allegations against the applicant were false. She never purchased her. She never forced her to be a sex worker. She herself left for Aurangabad with another co-accused. That shows that she had no control over her. She was willingly going with other women. Nothing is to be recovered from her. The investigation has been completed. Hence, she may be granted bail.

5. Learned APP and learned counsel for the victim have strongly opposed the application. They would submit that the applicant was engaged in heinous crime of immoral trafficking of women. She was making money by forcing the victim to do the prostitution. She has no reason to keep the victim with her. She was

making money from forceful prostitution. She was instrumental to the offence. The victim was a young girl. There is possibility of repeating the crime. Hence, bail may not be granted to her.

6. Perused the FIR and the investigation papers. There are specific allegations against the applicant that she purchased the victim for Rs.5 lac. She was forcing her to engage in the prostitution against her will. She used to force her to do sex all day. The victim was from Bangladesh. One of the agent brought the victim to her, that goes to show that she has big links in the illegal prostitution. The apprehension of the prosecution of involving or repeating the crime has some foundation. The offences against the applicant are serious. If she would be granted bail, she may trap another girl. Hence, such girls should be protected from the persons like the applicant. Considering the role attributed to the applicant, parity does not apply. For these reasons, the applicant does not deserve bail. Hence, the application stands dismissed.

7. The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay the fees of the appointed counsel for respondent no.3/victim as per schedule.

(S.G. MEHARE, J.)