

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

**CRIMINAL INTERIM APPLICATION NO.3627 OF 2023
IN
CRIMINAL APPEAL NO.291 OF 2024**

Sarita Ranjit Patil Applicant

V/s.

State Of Maharashtra And Ors Respondents

**WITH
CR. APPEAL NO. 515 OF 2022**

Vivek Shankar Dinde Appellant

V/s.

The State Of Maharashtra Respondents

**WITH
CR. APPEAL NO. 517 OF 2022**

Manisha Prakash Katte Appellant

V/s.

The State Of Maharashtra & Ors. Respondents

Mr.Umesh Mankapure a/w Mr.Nilesh Wabale, Ms.Rutuja Khatmode, for the Applicant.

Mr.Sahil Salaan a/w Ms.Farhin Ghanchi, Mr.Tabish Mooman, for the Appellant in Appeal No.515 of 2022.

Mr.Ganesh Shelar, Appointed Advocate for Respondent No.2 in Appeal No.515 of 2022

Mr.P.P. Jadhav, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd OCTOBER 2024

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by NILAM
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Date: 2024.10.24
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P.C:-

. By this Application, the Applicant is seeking suspension of sentence and bail in POCSO Special Case No.93 of 2019 arising out C.R. No.445 of 2019 registered with Karveer Police Station, Kolhapur.

2. The Applicant has been convicted by the Additional Sessions Judge, Kolhapur under Sections 3(1), 4 to 7 of Immoral Traffic Prevention Act, 1956 ('ITPA' for short) and Section 370(A)-Part(II), 366, 366A, 370(2), 373 read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short). The maximum sentence imposed upto 10 years.

3. It is the case of the prosecution that, two victim girls subjected to prostitution by the Applicant and co-accused. The Applicant and co-accused convicted for the aforesaid offenses. Whereas other co-accused is acquitted.

4. It is contention of the learned counsel for the Applicant that, the main allegations are against co-accused, who introduced the victims to the Applicant, the co-accused has been released on bail. The evidence of prosecution witnesses suffers

from serious discrepancies and omissions and contradictions. The Applicant is behind bar more than five years out of 10 years punishment. The Applicant is lady. It may take time to dispose of the Appeal. Hence, requested to allow the Application.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that, the Applicant compelled victim girls to do prostitution. The Applicant is in business of prostitution. The prosecution has proved case against the Applicant. If Applicant is released on bail, she may abscond. Hence, requested to reject the Application.

6. I have heard all learned counsel. Perused impugned judgment and order and deposition of witnesses produced on record.

7. The allegations against the Applicant are that, she compelled the victim girls to do prostitution. The Applicant has undergone more than half of the sentence which is imposed on her. She is lady. The co-accused against whom same allegations are levelled like Applicant has been released on bail. Considering these facts, I am inclined to allow the Application and I pass

following order.

ORDER

(i) The Applicant-Sarita Ranjit Patil be enlarged on bail in C.R. No.445 of 2019 registered with Karveer Police Station, Kolhapur, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

10. Criminal Appeal Nos.291 of 2024, 515 of 2022 and 517 of 2022 are stand over to 12th November 2024.

(SHIVKUMAR DIGE, J.)