

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

BAIL APPLICATION NO. 2685 OF 2023

Poonam Balasaheb *alias*
Balu Londhe *alias* Bidkar

.Applicant

Versus

The State of Maharashtra & Anr.

.Respondents

Mr. Aniket Nikam i/b. Mr. Amit Icham, Advocates, for the Applicant.
Ms. S. M. Yadav, APP, for Respondent No.1 – State.
Mr. Kushal S. Amin, Advocate, for Respondent No. 2.

CORAM: MADHAV J. JAMDAR, J.

DATE: 10.07.2024

P. C.:

1. Heard Mr. Nikam, learned Counsel for the Applicant, Ms. Yadav, learned APP for Respondent No.1-State and Mr. Amin, learned Counsel appointed to represent interest of the Respondent No.2.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* ("CrPC"). The relevant details are as follows:

1.	C. R. No.	271 of 2023
2.	Date of registration of F.I.R.	22.05.2023
3.	Name of Police Station	Jodbhavi Peth, Solapur
4.	Sections invoked	370, 376, 342 r/w. 34 of the IPC, 1860; 3, 4, 5, 6 of the the Immoral Traffic (Prevention) Act, 1956; 4, 6, 8, 10, 12 and 17 of the POCSO Act, 2012; 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015;
5.	Date of arrest	17.06.2023
6.	Date of filing of Charge-sheet	12.07.2023

3. As per the prosecution case, as the relations of parents of the victim were not cordial and as there were frequent quarrels between them, they started residing separately in the year 2011. At that time, the victim was only three years old and started residing with her father, who is Accused No.1. It appears that when the victim was 12 years old, Accused No.1 – father sold her to an organisation by the name 'Jay Malhar Lok Kala Kendra' in lieu of consideration. It appears that thereafter the victim was sold to five such Lok Kala Kendras by the Accused No.1 – father who accepted consideration for the same. On 17.05.2023 the victim contacted her mother through social media and thereafter the mother lodged a complaint. The victim was rescued and handed over to her mother.

4. The present Applicant is Accused No.7. As per the prosecution case, the present Applicant is concerned with Renuka Kala Kendra. The role attributed to the present Applicant is that of forcibly making the victim dance in front of other people. It is also the prosecution case that the Applicant sold the victim to several people and those persons forcibly had physical relations with the victim.

5. It is the submission of Mr. Nikam, learned Counsel for the Applicant that investigation is complete and charge-sheet has already been filed. He submitted that the Applicant is a woman and is incarcerated since more than 1 year. Charge is not framed. There are about 33 witnesses in the Charge-sheet. Trial will take a considerably long time. Co-accused who had forceful physical relationship with the

victim, have been enlarged on bail. The victim in her supplementary statement states that the Applicant used to tell her to dance in front of other people. The victim was with the Applicant for learning dance. The victim in her first statement does not refer to the Applicant but she has subsequently mentioned the name of the present Applicant in her supplementary statement.

6. On the other hand, Ms. Yadav, learned APP for Respondent No.1-State and Mr. Amin, learned Counsel appointed to represent interest of Respondent No.2 vehemently opposed the Bail Application. Both of them submitted that the offence is of very serious and heinous nature. The victim at the relevant time was around 15 years and 3 months old. The Applicant's name is specifically mentioned in the supplementary statement by the victim. Renuka Kala Kendra with which the Applicant is associated is also mentioned. Both of them submitted that this is a case where the Applicant sent the victim to different people who had forceful physical relationship with the victim. Both of them submitted that the Applicant is associated with Renuka Kala Kendra and is actively involved in the activity of the said Renuka Kala Kendra. Both of them pointed out the statement of the victim at page No.56 and her statement recorded under Section 164 of the CrPC at page Nos.66 and 67. Both of them, therefore, prayed that the Bail Application be rejected.

7. A perusal of the record shows that the F.I.R. was lodged on

22.05.2023. The Applicant was arrested on 17.06.2023 and the Charge-sheet was filed on 12.07.2023. As per the charge-sheet, there are about 33 witnesses proposed to be examined by the prosecution. Till date, there is no further progress in the trial and even charge is also not framed.

8. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.
9. The Applicant is a woman aged 37 years.
10. The Applicant does not have any criminal antecedents.
11. The Applicant does not appear to be at risk of flight.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
13. In view thereof, the following order:

ORDER

(a) The Applicant - Poonam Balasaheb *alias* Balu Londhe *alias* Bidkar be released on bail in connection with C. R. No. 271 of 2023 registered with the Jodbhavi Peth Police Station, District- Solapur on her furnishing P. R. Bond of Rs. 25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Investigating officer of the concerned police station as and when called for by the Investigating officer.

(d) 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her passport, if any, to the Investigating Officer.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

16. This Court places on record its appreciation of the assistance rendered by Mr. Amin, learned Counsel appointed to represent interest of Respondent No.2. The High Court Legal Services Committee, Mumbai is requested to pay him the professional charges

as per the rules and his name be included in the panel maintained by the High Court Legal Services Committee, Mumbai.

[MADHAV J. JAMDAR, J.]