



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

BAIL APPLICATION NO. 1174 OF 2024

SUNITA NAIK @ M UMADEVI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. S. Kanogaraj for the Applicant.
Ms. Megha S. Bajoria, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 15, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 370 and 34 of the Indian Penal Code (hereafter 'IPC' for short) and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956, registered on 18/09/2020 vide C.R. No.1086 of 2020 with Faraskhana Police Station, Pune.
3. The statements of the victims recorded under Sections 161 of the Code of Criminal Procedure (Cr.P.C.) are at page

Nos. 128 and 129 of the paperbook. As per these statements, one of the co-accused on the pretext of providing employment to the victims brought them to Pune. It is then alleged that the applicant along with other co-accused forced the victims into prostitution. Though the statements of the victims were recorded on 22/09/2020, the victims were brought to Pune in February 2020. In respect of the separate incident, on the basis of the complaint lodged with the West Bengal Police, the applicant was arrested on 18/02/2020 and lodged in custody of the West Bengal Police. Pursuant to the registration of the present offence, the investigating agency sought custody of the applicant and arrested the applicant on 17/09/2022. In so far as the present C.R. is concerned, the applicant is in custody for more than 1½ years.

4. Learned APP opposed the application and submitted that the offence is very serious in nature and the applicant has forced the victims into prostitution. She further invited my attention to the number of criminal antecedents registered against the applicant of a similar nature with

West Bengal Police, Thane and Pune Police Stations. It is submitted that the applicant is likely to commit similar offence if enlarged on bail.

5. Learned counsel for the applicant submitted that there is nothing in the statements to indicate that the applicant was in receipt of any monetary consideration. On instructions, he further submitted that the applicant shall not reside in Pune and Thane districts if the bail is granted.

6. The charge has not yet been framed. The trial is not likely to conclude any time soon. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail considering that she is now in custody for more than 1½ years. The trial is not likely to conclude any time soon. In my opinion, the apprehension of the prosecution can be allayed by imposing stringent conditions on the applicant while enlarging her on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Sunita Naik @ M. Umadevi in connection with C.R. No.1086 of 2020 registered with

Faraskhana Police Station, shall be released on bail, on her furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall not leave the State of Maharashtra without the leave of the trial Court except to attend trial in the offences registered in West Bengal.

(d) Except for the purpose of attending the trial in the present offence and in any other offences, the applicant shall not enter Thane and Pune districts after being released on bail, till the trial concludes.

(e) The applicant shall report to the Police Station, nearest to her residence, while residing outside Pune and Thane districts, once a week i.e. on Sunday, between 10.00 a.m. and 12.00 noon.

(f) 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.

(g) While residing outside Pune and Thane districts, the applicant shall furnish her contact number, residential address and the details of the police station which she is to report, to the Investigating Officer.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall

not seek unnecessary adjournments.

(i) The application is disposed of.

(M. S. KARNIK, J.)