

Arjun

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

BAIL APPLICATION NO.1306 OF 2023

Mrs. Pooja Vijay Kamble @ ...Applicant
Mrs. Pooja Yogesh Patil

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Akshay Shinde, for the Applicant.

Ms. Savita M. Yadav, APP, for the Respondent-State.

Ms. Trupti Khamkar, for Respondent No.2.

**CORAM : MADHAV J. JAMDAR, J.
DATED : FEBRUARY 27, 2024**

P.C.:

1. Heard Mr. Shinde, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP appearing for the Respondent-State and Ms. Khamkar, learned Counsel appearing for Respondent No.2-victim.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	221 of 2022
2	Date of registration of F.I.R.	06/08/2022
3	Name of Police Station	Kharghar Police Station, District-Raigad
4	Section/s invoked	376-AB of the <i>Indian Penal Code, 1860</i> , 3, 4, 5, 6 & 9 of the <i>Immoral Traffic (Prevention) Act, 1956</i> and

		<i>3, 8, 12 & 17 of the POCSO Act, 2012</i>
5	Date of incident	17/12/2019-30/07/2022
6	Date of arrest	09/08/2022
7	Date of filing Charge-sheet	07/10/2022

3. Mr. Shinde, learned Counsel appearing for the Applicant submitted that the Informant is working in a Salon which is being conducted by the Applicant. She committed theft and therefore F.I.R. bearing No.211 of 2022 dated 31st July 2022 was lodged under Section 380 of the Indian Penal Code, 1860. He submitted that as a retaliation, the present F.I.R. has been lodged on 6th August 2022. He submitted that in any case investigation is complete and Charge-sheet has been filed on 7th October 2022. He states that the Applicant is incarcerated since 9th August 2022 and there is no further progress in the trial. He pointed out contradictions in various statements.

4. On the other hand, Ms. Yadav, learned APP and Ms. Khamkar, learned Counsel appointed to represent Respondent No.2-victim, submitted that the Applicant, under the pretext of conducting Salon was in fact involved in the offences punishable under Sections 3, 4, 5, 6 and 9 of the *Immoral Traffic (Prevention) Act, 1956*. They submitted that the victim was forced to enter into sexual relationship with the customers. Both of them submitted that the victim was a minor at the relevant

time and therefore bail be not granted.

5. Perusal of the record shows that the said F.I.R. bearing No.211 of 2022 was lodged on 31st July 2022 against Respondent No.2 under Section 380 of the IPC, 1860. Thereafter the present F.I.R. bearing No.221 of 2022 was lodged on 6th August 2022. Perusal of the statements show that there are many contradictions. In any case, investigation is complete and Charge-sheet is filed. The Applicant is incarcerated for about more than 1 and ½ year, however, there is no progress in the trial.

6. It is an admitted position that investigation is completed and Charge-sheet has been filed on 7th October 2022. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The Applicant does not have any criminal antecedents.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on bail by imposing stringent conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Mrs. Pooja Vijay Kamble @ Mrs. Pooja Yogesh Patil be released on bail in connection with C.R. No.221 of 2022 registered with the Kharghar Police Station, District-Raigad on her furnishing P.R. Bond of Rs.50,000/- with two 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 Kharghar Police Station, District-Raigad once every week i.e. on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]

Note : This Order is corrected as per speaking to the minutes Order dated 12th March 2024.