

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3225 OF 2023
WITH
INTERIM APPLICATION NO.4202 OF 2023

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2024.03.30
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Nisha Deepak Ahire

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Hemant Shukla a/w. Aashutosh R., Mr. Pradeep Singh and Mr. Vipul Chakral, for the Applicant.

Mr. Tanveer Khan, APP, for the Respondent/State.

Ms. Rohini Potdar, PI, DCB CID, Mumbai.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 28, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant who is arraigned in C.R. No. 13 of 2021 registered with DCB CID, Unit 1, Mumbai police station for the offences punishable under sections 370(4), 465, 466, 468 and 471 read with 34 of Indian Penal Code, 1860 and section 81 of the Juvenile Justice Act, 2000, seeks to be enlarged on bail.

3. The indictment against the applicant and the co-accused is that the applicant and the co-accused were involved in trafficking of children and have prepared false and forged, Birth Certificate of the trafficked children.

4. The learned counsel for the applicant submitted that the

applicant was initially arrested on 14th January, 2021. On 15th June, in the wake of Covid 19 pandemic 2021 she was released on interim bail. The applicant had sought extension as she had been suffering from HIV. Eventually, the applicant surrendered on 7th October, 2023. In the meanwhile, all the co-accused have been released on bail. The learned counsel invited attention of the Court to the order passed by the Court of Session releasing co-accused Ruksar Shaikh and Rupali Verma on bail.

5. I have perused the report under section 173 of the Code of Criminal Procedure, 1973.

6. It appears that the allegations against the applicant is that the applicant had purchased the children of co-accused Ruksar Shaikh through co-accused Rupali Verma. Both Ruksar Shaikh, the mother of trafficked children, and Rupali Verma, have been released on bail. The applicant appears to be similarly circumstanced as the co-accused who has been released on bail. The investigation is complete and charge sheet has been lodged. The applicant is allegedly suffering from HIV.

7. In the circumstances, the applicant also deserves to be enlarged on bail.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant Nisha Deepak Ahire be released on bail in C.R. No. 13 of 2021 registered with DCB CID, Unit 1, Mumbai, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark her presence at DCB CID, Unit-1 on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial whichever is earlier.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 5] The applicant shall furnish her contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- 6] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not

be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)