

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1156 OF 2024**

Kajal Babu Chandan	...	Applicant
vs.		
The State of Maharashtra and another	...	Respondents

Mr. Omkar Chitale for applicant.

Mr. R. M. Pethe, APP for respondent No.1-State.

Mr. Nirmal Pagari for respondent No.2 (appointed by Legal Aid Services Committee).

**CORAM : MANISH PITALE, J.
DATE : 30th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking bail in connection with FIR No.0218 of 2022 dated 30.03.2022 registered at Nayanagar Police Station, District Mira-Bhayandar, Vasai-Virar, for offences under Sections 366-A, 370(1), 370(4) and 372 of the Indian Penal Code, 1860 (IPC); Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and Sections 17 and 18 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant in the present case is the sole accused person and the FIR was registered on the basis of a trap being laid, as a decoy customer was arranged to interact with the applicant and the minor victim for prostitution. The applicant was arrested on 30.03.2022 and she has remained behind bars

since then.

4. The material on record shows that at the time of the incident, the victim was about 16 years old. The learned counsel for the applicant submitted that the evidence of the victim has been recorded during the course of trial and she has made improvements in her version. It is submitted that the investigation papers do not show any call detail records of the decoy customer, to support the prosecution case. It is further submitted that the applicant herself is suffering from various ailments and this factor may also be taken into consideration.

5. On the other hand, the learned APP submitted that the victim has supported the prosecution case even in her deposition before the trial Court. It is submitted that her statement recorded during the course of investigation, describes in detail as to the manner in which the applicant, on an earlier occasion, had also sent the victim to a customer and during the incident in question, she had taken her to the decoy customer. It is submitted that the offences are extremely serious and therefore, this Court may not grant bail to the applicant, particularly because trial has already commenced.

6. Learned counsel appearing for the victim supported the submissions made by the learned APP. He submitted that the victim, at the time of the incident, was only about 16 years old. She has supported the prosecution case and therefore, this Court may not show indulgence to the applicant.

7. This Court has perused the material on record, in the light of the rival submissions. In the present case, the applicant was apprehended, when the decoy customer was sent and she had come with the victim, who was a minor girl of only about 16 years age, at the time of the incident.

8. The statement of the victim recorded during the course of investigation, shows that even on a prior occasion, the applicant had pushed the victim into prostitution and she had made her entertain a customer. The applicant was caught red-handed, when the decoy customer was sent by the investigating authorities.

9. Although much was sought to be made about the deposition of the victim in the trial proceedings, at this stage, this Court does not find any substance in the aforesaid contention. It would be a matter to be considered at the stage of hearing, particularly when the victim has supported the prosecution case.

10. The contention regarding the health status of the applicant has been considered by this Court. It is not as if the applicant is suffering from an ailment, that cannot be treated when she is incarcerated.

11. The jail authorities are directed to take appropriate steps as required for the treatment of the applicant.

12. In view of the above, this Court finds no merit in the application and accordingly, it is dismissed.

13. Considering the fact that the chargesheet cites 17 witnesses to be examined by the prosecution and trial has already begun, the trial Court is directed to complete the trial within 9 months from today.

(MANISH PITALE, J)