

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

Anticipatory Bail Application No.3269 of 2024

Mrs Sofiya @ Shabnam Janal Mandal

Aged: 43 years, Occ: Housewife,

Residing at Room No.2,

Hiraji Patil Chawl,

Datta Mandir Road, Penkarpada

Mira Bhayander, Dist-Thane,

Maharashtra 401107

..... Applicant.

Vs.

The State of Maharashtra

(at the instance of Kashimira

police station)

..... Respondent.

Mr Jyotiram S Yadav for the applicant.

Mr MG Patil, APP for Respondent/State.

PI Sameer Shaikh, Kashimira Police Station.

Coram : R.N.Laddha, J.

Date : 3 December 2024.

P.C. :

Heard Mr Jyotiram Yadav, the learned Counsel appearing on behalf of the applicant and Mr MG Patil, the learned Additional Public Prosecutor for the respondent/State.

2. The applicant is apprehending her arrest in connection with CR No.368 of 2024, registered at Kashimira Police Station, Mira Bhayander, Vasai-Virar, Thane, for the offences punishable under Sections 143(1), 115, 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 5 of the Prevention of Immoral Trafficking Act, 1956 (PITA).

3. The prosecution contends that the victim had been acquainted with co-accused Vishal Das for a year, and they shared a good friendship. Vishal provided the victim with the applicant's mobile number stating it was for a job opportunity. He informed the victim that the applicant owned a Beauty Parlour and offered a salary of Rs.40,000/- per month. Subsequently, the victim contacted the applicant via phone during which she was told that the work involved providing massage services at the Parlour. The applicant also sent Rs.5,000/- to the victim through co-accused, Vishal, as travel expenses. It is alleged that, acting on the applicant's instructions, Vishal introduced the victim to co-accused Rani, who facilitated her crossing of the Bangladesh border and arranged for a new Aadhar Card in the victim's name.

Later, the victim was introduced to another co-accused, Aminur, in Mumbai. Aminur took the victim to Sharad Patil chawl, Mira Bhayander, Thane, where she met co-accused Sumi. The applicant instructed her to stay there for two days. It is further alleged that Sumi locked the victim in a room and forced her to consume alcohol. The victim was then coerced into prostitution and threatened with legal action for illegally crossing the Indian border. In short, the prosecution claims that the applicant, along with the co-accused, orchestrated the victim's involvement in prostitution between 24 June 2024 to 9 July 2024, at room No.1, Penkarwada, Sharad Patil chawl, Penkarpada, Mira Road, Thane.

4. The learned Counsel appearing for the applicant, emphasising the applicant's innocence, submits that the applicant has been falsely implicated in the present crime. The applicant neither recruited, exploited, transported, nor harbored the victim through threats, force, abduction, fraud, or deception. Furthermore, the applicant was not present in Maharashtra during the relevant period. The learned Counsel highlighted train and flight tickets, showing

that the applicant travelled to Kolkatta on 15 June 2024 by train and returned to Mumbai on 25 August 2024, by flight. It is undisputed that the applicant was not present at the scene during the raid. Additionally, co-accused Sumi has already been released on bail. The applicant did not instigate the victim to engage in prostitution nor received any financial benefit from such activities. The applicant is willing to cooperate with the investigation, and there is nothing to be recovered from her.

5. On the other hand, the learned APP representing the respondent/State, opposed the application, emphasising the seriousness of the allegations against the applicant. He submits that the applicant is implicated in human trafficking and is accused of instigating the victim to engage in prostitution. He points out to the communication between the applicant and the co-accused, including phone calls and financial transactions, wherein the applicant allegedly transferred money to the account of one of the co-accused. However, the learned APP, conceded that the investigation is nearing completion.

6. Upon perusing the records, it appears that the

investigation is almost concluded, and nothing is to be recovered from the applicant. Additionally, it is undisputed that the applicant was not present during the raid. Given these circumstances, custodial interrogation of the applicant does not appear necessary. In view of the above, this Court is inclined to allow the present application. Hence, the following order.

Order

- (i) In the event of the applicant's arrest in CR No.368 of 2024 registered at Kashimira Police Station, Mira Bhayander, Vasai-Virar, Thane, she be released on bail, on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant shall not, herself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any

manner.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]