

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 BAIL APPLICATION NO. 883 OF 2025

ASHA HASAN SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Surse Sunil B.

APP for Respondent/State : Mr. V.M. Jaware

Advocate for Respondent 2 : Ms. Priyanka Sarnaik (appointed)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21/07/2025

P.C. :

1. Heard the learned counsel for the applicant, the learned APP for the respondent-State and Mrs. Priyanka Sarnaik, learned counsel appointed for respondent No. 2.
2. The applicant is seeking bail as she is arrested in connection with Crime No. 14/2024 dated 20.1.2024 registered with Harsul Police Station, Aurangabad City, Aurangabad for the offences punishable under sections 370(1), 370-A, 376, 376(2)(N), 376(3), 343 r/w. 34 of Indian Penal Code and section 4, 6, 8, 12 of Protection of Children From Sexual Offences Act, 2012 and sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956.
3. The learned counsel for the applicant has produced the order passed by this Court in **BA No. 1789/2024 dated 18.12.2024 (Samina Saeed Shaha @ Shaikh Vs. State of Maharashtra & Anr.)** and seeks bail to the present applicant on the ground of parity by submitting that the role of the present applicant is identical with the co-accused, who has been granted bail by above order. The learned counsel submits that this is the second bail application by the applicant after the aforesaid order passed in favour of the co-accused. The learned counsel submits that the applicant was arrested on 23.1.2024 and

since then she is behind bars. The learned counsel submits that investigation in the matter is completed and chargesheet is also filed. The learned counsel submits that it is not known when the trial would conclude and no purpose would be served by keeping the applicant behind bars till the conclusion of the trial. The learned counsel therefore prays to release the applicant on regular bail.

4. The learned APP as well as the learned counsel appointed for respondent No. 2 have strongly opposed the application by submitting that offence is very serious and no ground is made out in this second bail application. The learned APP and the learned counsel appointed for respondent No. 2 has pointed out the statement of victim, who was 16 years old at the relevant time, wherein she has stated that applicant was telling to the victim that she has purchased the victim for an amount of Rs.five lakhs and victim has to do the business of Rs. Five crores and such statement is stated to have been made by the victim after she was brought from the Bangladesh and when she was handed over to the present applicant. The learned APP as well as the learned counsel appointed for respondent No. 2 therefore prays to reject the application.

5. Perusal of statement of victim would indicate that she came to India on 17.11.2023 and handed over to the applicant. However on 17.1.2024 the victim had gone to Aurangabad by bus with the co-accused. Her statement does not indicate that she was detained by the applicant. The ossification test shows that the victim was between 17 to 19 years. Prima facie victim is also involved in the business of prostitution similarly like the present applicant. This Court has granted bail to the co-accused vide above order, who was living on the income of the victim. Considering the role of the co-accused, who has been granted bail, it appears that role of the applicant cannot be said to be higher than the co-accused, who had confined the victim to their house.

Considering all these aspects of the matter and considering that the applicant is a lady and behind bars since 23.1.2024, she has no antecedents and considering that the chargesheet in the matter is filed, no purpose would be served by keeping the present applicant behind bars. Therefore, I hold that regular bail can be granted to the applicant.

6. In view of the above, the application is allowed in the following terms :
 - a] The applicant shall be released on bail in connection with Crime No. 14/2024 dated 20.1.2024 registered with Harsul Police Station, Aurangabad City, Aurangabad for the offences punishable under sections 370(1), 370-A, 376, 376(2)(N), 376(3), 343 r/w. 34 of Indian Penal Code and section 4, 6, 8, 12 of Protection of Children From Sexual Offences Act, 2012 and sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
 - b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
 - c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
 - d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
 - e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.
7. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

10. Legal Services Sub-Committee, Aurangabad shall pay fees of Rs.10,000/- to the learned counsel appointed for respondent No. 2.

[ARUN R. PEDNEKER, J.]

SSC/