



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2367 OF 2024

Sayed S/o. Mehtab Shaikh,
Age : 35 years, Occu. : Labour,
R/o. Radhakrishna Society,
Harsool, Dist. Aurangabad.

... Applicant

Versus

1. The State of Maharashtra

2. Party XYZ
[Original Complainant]

... Respondents.

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Mr. S. G. Ladda, Advocate for Applicant.

Mr. V. M. Chate, APP for Respondent - State.

Mr. R. M. Gaikwad, Advocate for Respondent No.2 (Appointed).

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 09 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No. 0014 of 2024 registered at Harsul Police Station, District Aurangabad for offence punishable under sections 370(1), 370(A), 372, 373, 376, 376(2)(N), 343 read with section 34 of Indian Penal Code and under sections 4, 6, 8 and 12 of the POCSO Act and under sections 3, 4, 5 and 6 of the Immoral Traffic Prevention Act.

2. Pointing to the date of arrest as 21.01.2024, it is submitted that, applicant is behind bars since more than a year. That, other accused are granted bail. That, there are no allegations of rape or physical assault on victim. That, only allegations are that he brought victim from Pune to Aurangabad. He pointed out that, in her statement before learned Magistrate under section 164 of Cr.P.C. applicant is not named. That, charge sheet is already filed in March 2024. That, no further recovery or discovery is to be made and therefore his further custody is unwarranted. He further pointed out that, even there are no immediate prospects of matter going for trial. For above reasons, he urges for grant of bail. He placed on record orders of release of co-accused by this court dated 25.07.2024 and 18.12.2024. He also pressed into service ground of parity.

3. Learned APP opposed on the ground that, applicant is involved in serious offence. That, there are allegations of victim being brought from Pune and sold for flesh trade. That, provisions of PITA Act are attracted. Learned APP submitted that, currently victim is not traceable. Learned APP apprehends misuse of liberty.

4. Perused the papers. FIR dated 21.01.2024 is at the instance of victim, who gave her age as 16 and citizen of

Bangladesh. Substance of the FIR is that, one lady whose name does not know brought her to India on assurance of fixing job on 17.11.2023, but she was sold to a agent and brought to Pune and then she was forced to be indulge in prostitution. She reported that, in Pune she came in contact with a lady namely Rani and she also assured her good job and said lady with her husband took her to from Pune to Aurangabad again on assurance of giving job and she was forced to have sex with customers. On above report, crime has been registered, for rape as well as for provisions of PITA Act.

5. In view of above, it is clear that, applicant is behind bars since more than a year. Informant's report shows that, she has not clearly identified the ladies, who brought her from Bangladesh on assurance of job. Learned APP pointed out that victim is not traceable and probably returned back to Bangladesh. She being informant, *prima facie*, trial cannot commence until she is traced. No further recovery or discovery is shown to be made at his instance and therefore, when no purpose is shown to be achieved by further detention and in the light of above discussed uncertainty, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

I. The application is allowed.

II. Applicant Sayeed S/o. Mehtab Shaikh be released on bail in connection with Crime No. 0014 of 2024 registered with Harsul Police Station, District Aurangabad, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions :

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

III. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

IV] Parties to act on authenticated copy of this order.

(ABHAY S. WAGHWASE, J.)