

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

CRIMINAL BAIL APPLICATION NO.3319 OF 2024

Mrs. Priya Yogesh Gandhi

...Applicant

Versus

The State Of Maharashtra & Anr.

...Respondents

Ms. Chand Deepti, for the Applicant.

Mr. S. M. Mangaonkar, APP for the Respondent – State.

Mr. Vinod Sahdev Amberkar, PHC, Chiplun Police Station, District Ratnagiri – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 21st JANUARY, 2025

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1. The Applicant is seeking regular bail in Crime No.274 of 2020 registered with non-Applicant police station for the offence punishable under Sections 376(2)(n), 366(A) and 370(4) of the IPC, Sections 4, 8 and 12 of the POCSO Act and Sections 3, 4, 5 and 7 of the PITA.

2. The genesis of the offence is, the victim a minor was subjected to the prostitution resulting into the provisions of POCSO and PITA Act being invoked against the Applicant.

3. The Applicant was arrested on 4th December, 2020.

4. Having regard to the submissions made by the counsel for the

Applicant in response to the Court's query, learned APP would urge that though identification parade was carried out, the Applicant was not subjected to identification parade.

5. In this background, the contentions of learned counsel for the Applicant that the Applicant's identity was disclosed to the victim girl based on identification parade, cannot be accepted as reflected in the said report of December, 2020.

6. Merely because the trial has commenced that by itself will not entail the prosecution to claim the rejection of bail application, but for the aforesaid piece of evidence, this Court hardly see any reason.

7. Apart from above, there are no criminal antecedents against the Applicant.

8. That being so, I am inclined to allow the Application. Hence, the following order :-

(i) The Application stands allowed.

(ii) The Applicant is directed to be released on bail in connection with Crime No.274 of 2020 registered with Chiplun Police Station for the offence punishable under Sections 376(2)(n), 366(A) and 370(4) of the IPC, Sections 4, 8 and 12 of the POCSO Act and Sections 3, 4,

5 and 7 of the PITA on her furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The Applicant shall neither influence the witnesses nor tamper with the evidence.

9. The Application stands disposed of.

[NITIN W. SAMBRE, J.]