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

BAIL APPLICATION NO.643 OF 2025

VAIBHAV
RAMESH
JADHAV

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Sinual Alias Miss Maya Alias Miss

Samuel Katsunee

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Raj Dilip Dali for the applicant.

Ms. Rajashree V. Newton, APP for the State.

Mr. Sudhir Sathe, PSI, Chitalsar Manpada Police Station, Thane City, is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 16, 2025

P.C.:

1. This is an application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking her release on bail in connection with Crime Register No. 844 of 2024 registered with Chitalsar Manpada Police Station, Thane, for the offences punishable under Sections 143(1) and 143(3) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

2. As per the case of the prosecution, the Anti-Human Trafficking Cell had received specific and credible information about involvement of a person in arranging women for the

purpose of prostitution. On the basis of this information, the police made a telephonic contact with the present applicant, during which, the applicant allegedly demanded an amount of Rs.10,000/- for one sitting with a female, and also sent photographs of the victims to the decoy customer. Thereafter, a trap was laid at Hotel Dahaliya, and two women were found at the reception who, according to the police, were brought there for the purpose of prostitution.

3. After recording statements of the two victims, the police arrested the applicant on 8th October 2024. Investigation was carried out and a charge sheet was filed before the competent Court on 4th December 2024.

4. The applicant had earlier approached the learned Sessions Court seeking bail, however, the learned Sessions Judge rejected the bail application.

5. The learned advocate for the applicant argued that both the alleged victims are major in age and have not supported the prosecution's case in their statements. It is submitted that there is no direct evidence to show that the applicant forced or induced the victims into prostitution. The WhatsApp messages and photographs forming part of the charge sheet are yet to be proved during trial. The learned advocate further submitted that the applicant is in custody since 8th October 2024, and considering the nature of the offences and the maximum punishment prescribed, continued detention of the applicant is not warranted. Hence, it is prayed that the applicant be released on bail.

6. On the other hand, the learned Additional Public Prosecutor strongly opposed the application. It is submitted that the offences alleged are serious in nature and involve moral turpitude. It is argued that from the material collected during investigation, including the statements of the victims, WhatsApp chats, and photographic material, a prima facie case is made out against the applicant for offences under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. The learned APP submitted that releasing the applicant at this stage may adversely affect the ongoing prosecution and may send a wrong signal in matters involving trafficking of women.

7. I have carefully considered the charge sheet, the statements of the victims, and the material placed on record. It is not in dispute that the applicant is arrested on 8th October 2024 and has remained in custody since then. The charge sheet is already filed on 4th December 2024, and the investigation is complete.

8. It is alleged that the applicant, upon being contacted over phone, agreed to provide women for prostitution and demanded money for the same. The prosecution has relied on call transcripts, WhatsApp messages, and photographs, to substantiate the allegations. However, whether these materials are genuine, admissible, and sufficient to attract the offence, is a matter of evidence, which will be tested during the trial.

9. It is also to be noted that the two alleged victims are major in age, and according to the defence, they have not made any specific allegations against the applicant in their statements under

Section 161 of the CrPC. The role of the applicant in either inducing, procuring, or forcing the victims to engage in prostitution, as required under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, will need to be proved with stronger evidence during the course of the trial.

10. Further, the applicant is a lady, and she is not shown to have any criminal antecedents. The offences alleged are undoubtedly serious, but the punishment prescribed does not bar the grant of bail. The trial is likely to take time, and continued incarceration of the applicant may not be justified in the facts of the present case.

11. There is also no material placed on record to show that if released on bail, the applicant is likely to abscond or tamper with the prosecution evidence. Adequate conditions can be imposed to ensure her presence during the trial.

12. Hence, considering the nature of allegations, the completion of investigation, and the custodial period undergone by the applicant, I am of the view that the applicant deserves to be released on bail, subject to conditions.

(i) The bail application is allowed.

(ii) The applicant shall be released on bail in Crime No. 844 of 2024 registered with Chitalsar Manpada Police Station, Thane, for the offences punishable under Sections 143(1), 143(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, on furnishing P.R. bond of ₹25,000/- (Rupees Twenty-Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement, threat, or promise to any witnesses of the prosecution.

(iv) The applicant shall not leave the jurisdiction of the concerned police station without prior permission of the trial Court.

(v) The applicant shall attend the trial Court on each and every date of hearing unless exempted by the Court.

(vi) The applicant shall furnish her current residential address and contact details to the Investigating Officer and shall inform the Investigating Officer if there is any change in the same.

(vii) In case of breach of any of the above conditions, the prosecution shall be at liberty to move for cancellation of bail.

(AMIT BORKAR, J.)