

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

Criminal Bail Application No.1745 of 2025

Bhakti Nitin Toraskar
Aged 24 yrs, Occ : Self-Employed,
Residing at Opp. Sona English School,
Khandoba Mal, Phursungi, Pune.
(At present lodged in Yerwada Central
Prison, Pune).

... Applicant

Versus

The State of Maharashtra
(Through Bharati Vidyapeeth Police
Station, Pune vide CR No.1142 of
2020).

2. XYZ

Age- 16 yrs (Through Bharati
Vidyapeeth Police Station)

3. ABC

Age: 17 yrs, (Through Bharati
Vidyapeeth Police station)

... Respondents.

Mr Mithilesh Mishra, Advocate i/by Agastya Desai for the
applicant.

Mr SV Walve, APP, for the respondent/ State.

**Coram: R.N. Laddha, J.
Date: 17 October 2025.**

P.C.:

By this application, the applicant seeks bail under Section
439 of the Code of Criminal Procedure, 1973, in connection with
CR No.1142 of 2020, registered at Bharati Vidyapeeth Police

Station, Pune, for the offences punishable under Sections 370, 366-A, 370A of the Indian Penal Code and Sections 3, 4, 5 and 7 of the Immoral Traffic Prevention Act and Sections 3 and 4 of the Protection of Children from Sexual Offences Act (POCSO), 2012.

2. It is the case of the prosecution that on 18 November 2020, the Assistant Police Inspector attached to Bharati Vidyapeeth Police Station received specific information indicating that the accused/applicant was unlawfully confining three to four girls in a flat situated on the first floor of Pooja Apartment, near Saraswati High School. It was further alleged that, in connivance with her husband, she was coercing the said girls into prostitution. Acting upon the said information, a decoy customer was deployed, pursuant to which a raid was conducted at the aforementioned premises. During the course of the raid, the accused Bhakti Toraskar herself opened the door. Upon entering, the police found three girls and three male individuals present inside the flat. One of the victims disclosed that she had been brought to the applicant by the co-accused, the husband of the applicant. The remaining girls were also allegedly brought against their will by the applicant and her husband, who compelled them to engage in prostitution and appropriated the proceeds thereof. Two rickshaw drivers were also apprehended at the scene, who were allegedly involved in procuring customers and collecting money. At the time of the raid, cash, identity documents, mobile phones, and an

autorickshaw were seized from the accused persons. It is the prosecution's contention that all the accused were acting in furtherance of a common intention. Subsequent ossification tests confirmed that two of the rescued victims were minors.

3. The learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant has no prior criminal antecedents and has been languishing in jail since 19 November 2020. Despite the framing of charges in the month of September 2021, the prosecution has failed to examine even a single witness to date. It is further submitted that all co-accused persons have already been released on bail. Moreover, there is no cogent or credible material on record to *prima facie* establish that the alleged two victims were minors at the relevant time. Even the ossification tests conducted on the alleged victims have not yielded conclusive results regarding their exact age.

4. On the other hand, the learned Additional Public Prosecutor, opposes the applicant's request and submits that the offence is of a grave and serious nature, involving the exploitation of two minor girls who were coerced into prostitution. It is further submitted that the applicant, in connivance with her husband, was operating such illicit activities from her residential premises and endangering the moral fabric of the locality.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. Upon perusal of the material available on record, it appears that the ossification tests conducted on the alleged victims indicate their age to be above 16 and below 18 years. It is a settled proposition of law that the margin of error in ossification tests may extend to plus-minus two years. Furthermore, the statements of the alleged victims themselves suggest that they were 19 years of age at the relevant time. It is also pertinent to note that the applicant has been languishing in jail since 19 November 2020, and the trial has not progressed, as no witnesses have been examined despite the framing of charges approximately five years ago. Additionally, all co-accused have already been granted bail, and the applicant does not have any prior criminal antecedents.

6. In view of the totality of the circumstances, including the prolonged incarceration of the applicant, the parity with the co-accused, this Court is of the opinion that a case for the grant of bail is made out. Accordingly, the following order is passed :

Order

- (i) The applicant shall be released on bail, in CR No.1142 of 2020, registered at Bharati Vidyapeeth Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like

amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]