

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

CRIMINAL BAIL APPLN. NO. 4764 OF 2024

Rupa @ Sapna Abdulkashim Shaikh

...Applicant

VERSUS

The State of Maharashtra & Anr.

...Respondents

Mr. Kuldeep U. Nikam, Advocate for Applicant.

Dr. A. A. Takalkar, APP for the Respondent-State.

Mr. Yash Atre, Advocate for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th JANUARY 2026.

P.C.

1. By this application, the applicant seeks bail in Crime No.48 of 2022 registered with Vishrambag Police Station, District Sangli, initially for offences punishable under Sections 370, 370(a)(2) of the Indian Penal Code (IPC) and Sections 3, 4, 5, & 6 of the Immoral Trafficking (Prevention) Act, 1956 (PITA), Subsequently, after filing of the initial charge-sheet and the supplementary charge-sheet, offences under Sections 420, 464 465, 466, 468, 471 and 474 read with Section 34 of the IPC were added and offence under Sections 3, 4 and 17 of the Protection of Children From Sexual Offences Act, 2012, (POCSO Act) were also added against the accused persons.

2. In brief, the prosecution case is that the accused No.1 assisted by accused No.2 procured victim girls, three in number, from

Bangladesh and brought them to District Sangli via West Bengal and Pune. It is further alleged against the accused persons that although the victim girls were minor, accused Nos.2 to 6 undertook actions for preparing forged and fabricated documents including birth certificates and attempted to forge Aadhar Cards to show the minor victim girls as major.

3. Though there are allegations against the applicant that she is citizen of Bangladesh, in the raid conducted at the house of the applicant, her Aadhar Card and Ration card are found, wherein her name is stated as Sapna Abdulkashim Shaikh. Light bill in the name of Husen Makhatum Jatkar is also filed. These documents are seized by the Investigating Officer and they are part of the charge-sheet.

4. Learned APP and Learned Advocate for informant have strenuously opposed the application stating that there is sufficient material on record to show the involvement of the applicant in the present crime.

5. In the present case charge-sheet is filed on 16/10/2023. Total 21 witnesses are cited in the charge-sheet. After filing of charge-sheet, the case is now re-numbered as Special Case No.127 of 2023. Though charge is framed, it appears that till date not a single witness is examined by the prosecution. There are no criminal antecedents

against the applicant. The applicant is arrested on 22/08/2023 and since then she is in jail. Being a lady, she is entitled for bail.

6. Learned Advocate for applicant has rightly relied on the decision of this Court (Coram : A.S. Gadkari, J.) in case of ***Vishwajeet V/s. State of Maharashtra***¹, wherein following observations are made:

“5. After perusing the entire chargesheet, this Court is of the view that, the role attributed to the present applicant is that he acted as an agent of the victims and there is no allegations against him of forcibly inducing any minor victim in the said trade, though the police in the present crime rescued some minor victim girls.”

7. In the light of above, this Court is inclined to release the applicant on bail. Hence, the following order:

ORDER

- (a) The application is allowed.
- (b) The applicant be released on bail in connection with Crime No.48 of 2022 registered with Vishrambag Police Station, District Sangli, on furnishing Personal Bond in the sum of Rs.15,000/- with one surety in the like amount.
- (c) The applicant shall attend the concerned Police Station on every Sunday between 10:00 a.m. to 12:00 p.m. till conclusion of trial.
- (d) The applicant shall furnish her cell phone number and residential address to the concerned Police Station.

1 2018 SCC OnLine Bom 12910

(e) The applicant shall not tamper the prosecution evidence and shall scrupulously attend the trial.

(NITIN B. SURYAWANSHI, J.)