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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3483 OF 2026

Lakhi Saidul Ghatak @ Sweety Ghatak .. Applicant

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. Akhilesh Mishra a/w. Mr. Subhash Hulyalkar, Ms. Pooja Khandekar, Ms. Pratiksha More, Mr. Devidas Bagat and Ms. Dnyaneshwari Hadawale, Advocates i/by Hulyalkar & Associates for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent No.1 – State.
- Ms. Tithi Raut, Advocate appointed through Legal Aid for Respondent No.2.
- API – Mr. Survase, Faraskhan Police Station, Pune present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026

P.C.:

1. Heard Mr. Mishra, learned Advocate for Applicant; Ms. Newton, learned APP for Respondent No.1 – State and Ms. Raut, learned appointed Advocate through Legal Aid for Respondent No.2.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.16 of 2026 registered with Faraskhana Police Station, Pune City for offences punishable under Sections 144, 96, 98, 99, 351(2), 115(2), 127(4), 137(2), 64, 49, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023; Sections 3, 4, 5, 6 and 7 of the Immoral Traffic

(Prevention) Act, 1956 and Sections 4 and 17 of the Protection of Children from Sexual Offences Act, 2012.

3. Victim has lodged the present First Information Report (FIR) and she is 18 years old. However, contents of the FIR *prima facie* show that the victim arrived from Bangladesh when she was 15 years old and since then she has been involved in trafficking and sexual exploitation on her own volition. Reading of the FIR appended at page No.34 of the Application *prima facie* and specifically depicts the three years spent by the victim in Bangalore and four different places in the vicinity of Pune city with separate persons over specific timelines, despite of which have been narrated by her alongwith the names of the persons who according to the victim were managing her alleged business.

4. Grievance of the victim *qua* the present Applicant is that she has not been given her dues in terms of money by the Applicant notwithstanding that she has lived with her and had been involved in the alleged business of sexual exploitation for more than one and half years. The victim states that during the said period, she was otherwise looked after well by the Applicant but, the Applicant kept all her earnings and did not part with the same to her. Applicant is arrested on 23.01.2026.

5. Insofar as the further period post the first one and half years

is concerned, the victim herself has given all details with regard to three other places where she stayed and continued with the same business. Charge of PITA is levied against the Applicant including that of POSCO.

6. There is a substantial delay in filing the FIR in this case because according to the victim she herself has infact stayed at four different places after her fallout with the Applicant 3 years ago until she turned 18 years of age. The statement of the victim recorded by the prosecution precisely narrates that she on her own volition was involved in the alleged work for earning money and the fact that she was deprived of her dues in terms of money by Applicant led to a fallout.

7. Even according to the victim's own case, she was induced to come to India from Bangladesh in the year 2023 by her 2 male friends and initially she entered Kolkatta and from there she came to Bangalore and pursuant thereto she came to Pune. Considering the fact that in the entire statement recorded by the prosecution as well as the material placed on record, there is no element of violence, force or abuse whatsoever and the volition of the victim being *prima facie* seen from her own statement that she on her own indulged into the alleged acts for earning money, I am inclined to consider the case of the Applicant for grant of bail.

8. One more reason which impels me to consider the case for bail is that save and except the issue of money, there is no overt act whatsoever alleged by the victim qua and against the Applicant.

9. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Lakhi Saidul Ghatak @ Sweety Ghatak is directed to be immediately released from prison in connection with CR. No.16 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek

unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the country without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of her current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in her residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

10. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

11. This Court appreciates the assistance rendered by Ms. Raut, learned Advocate appointed through the Legal Aid to espouse the cause of Respondent No. 2. Her fees are to be paid by the High Court Legal Aid Services Authority as per rules on production of a server copy of this order and other compliances in accordance with the decision of this Court in the case of ***Sanjyot Nitin Telharkar Vs. The State of Maharashtra & Anr.***[1] and the Schedule under Regulation 18(1) of the Maharashtra State Legal Services Authority Rules, 1998.

12. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
Date: 2026.10.12 20:17:41 +0530

1 Misc. Civil Application No.134 of 2024 – Decided on 25.09.2024.