

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3873 OF 2025

Babita Ganesh Pavde ...Applicant

Versus

The State of Maharashtra ...Respondent

INTERIM APPLICATION NO. 230 OF 2026

IN

CRIMINAL BAIL APPLICATION NO. 3873 OF 2025

Anagha Surendra Khandagale ...Applicant/
Intervenor

IN THE MATTER BETWEEN :-

Babita Ganesh Pavde ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. S. S. Kharat a/w Anandrao Kale i/by Balasaheb. G. Tangasli,
for the Applicant in BA No.3873/2025.

Mrs. S. K. Gajare, APP, for the Respondent - State.

Ms. Rachita A. Padwal, for the Intervenor in IA No. 230/2026.

PI - Kiran T. Unde, Chembur Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 29th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 445 of 2025 registered with Chembur Police Station, Mumbai for the offences punishable under Sections 143(2), 3(5) of The Bharatiya Nyaya Sanhita, 2023 (for short, "BNS") and Sections 4, 5 of The Immoral Traffic (Prevention) Act, 1956 (for short, "ITPA").

2. In short, it is the case of the prosecution that the information was received with regard to the present Applicant and co-accused compelling minor girls into prostitution. Hence, a bogus customer / dummy customer was sent. It is further claimed that the dummy customer met present Applicant who agreed to provide the minor girl subject to payment of Rs. 5,000/- to her. It is claimed that she introduced the customer to the co-accused. It is the statement of the dummy customer indicating that the co-accused introduced him to the victim girl and received money from him. On conclusion of investigation, chargesheet is filed.

3. Learned Counsel for the Applicant has drawn attention of the Court to the order dated 26th August 2025 passed by the Judicial Magistrate First Class (for short, "JMFC"), Mazgaon, Mumbai indicating that the victim is major and she was a voluntary sex worker. He further argued that the co-accused against whom there is evidence of she introducing the victim to the dummy customer has been granted bail by the Trial Court. He therefore, seeks bail on parity as well.

4. Learned APP and learned Counsel for the Intervenor opposed the application by citing seriousness of the crime. It is their contention that there is statement of the victim which shows complexity of the Applicant in the crime. Apart from this, reference is made to the statements of the witnesses from the lodge as well as the dummy customer.

5. *Prima facie* perusal of the record indicates that the learned JMFC, Mazgaon by passing order dated 26th August 2025 has recorded findings that the victim is not minor but is major and kept performing voluntary sex work. Thus, this Court finds substance in the contention of the learned Counsel for the Applicant that this could be a case of voluntary sex work being accepted by the victim. Apart from this the evidence collected during the investigation indicates that it was the co-accused who had introduced the victim to the customer and also received money against the same. Admittedly the said co-accused has been enlarged on bail. This Court therefore finds no reason to reject the application. Hence, following order :-

ORDER

- i) Criminal Bail Application No. 3873 of 2025 stands allowed in connection with Crime No. 445 of 2025 registered with Chembur Police Station, Mumbai for the offences punishable under Sections 143(2), 3(5) of The Bharatiya Nyaya Sanhita, 2023 and Sections 4, 5 of The Immoral Traffic (Prevention) Act, 1956.
- ii) The Applicants be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iv) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by

specific order.

ix) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

6. In view of the above, Application stands allowed and disposed of accordingly.

7. In view of the above, Interim Application No. 230 of 2026 stands disposed of accordingly.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-