



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

Criminal Application (BA) No.1274/2025
Prachi Maroti Pal @ Aakash Somkuwar (Presently Central Prison, Nagpur)
Vs.
State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. C.R.Thakur, Advocate for applicant.
Ms.T.H.Udeshi, A. P. P. for non-applicant No.1/State.
Ms. Varsha Warade, Advocate (appointed) for non-applicant n 2.

CORAM: M. M.NERLIKAR, J.
DATE : 27/01/2026.

1. Heard Mr.C.R.Thakur, learned counsel for the applicant, Ms. T.H.Udeshi, learned APP for non-applicant no.1 and Ms. Varsha Warade, learned counsel for victim/non-applicant no.2.
2. The applicant was arrested on 14.7.2024 in connection with Crime No.317/2024 registered with Police Station, Nandanwan, District Nagpur, for the offence punishable under Sections 65(1), 74, 143 (4) of Bharatiya Nyaya Sanhita, under Sections 4, 5 and 7 Immoral Trafficking (Prevention) Act. During investigation an offence under Sections 4, 6, 8, 12 and 17 of the Protection of Children From Sexual Offences Act came to be added.
3. The principal allegation against the present applicant is that she was running a brothel. She was indulged in flesh trade. On the date of incident, when the raid was conducted, a girl aged about 15 years was found in the brothel, which, according to the applicant, was a rented premises. The statement of the victim discloses that she was brought by one

person as she was in need of money and sold to the present applicant and the present applicant engaged her in flesh trade. Accordingly, the raid was conducted and the victim and the present applicant were found.

4. The learned counsel appearing for the applicant submits that the applicant has been in jail since 14.7.2024. He further submits that the investigation is over and the charge-sheet has already been filed. He invited my attention to the statement of the victim, wherein she has disclosed that, as she was in need of money, she contacted the present applicant and the present applicant has engaged her in flesh trade. The learned counsel further submits that there are no other similar cases registered against the applicant. There are two criminal cases, which are pending, however, those are not registered under the provisions of Immoral Trafficking (Prevention) Act, 1956 ('PITA' for short). He further submits that the trial is yet to be commenced and till today even the charges are not framed. Therefore, learned counsel requested to release the applicant on bail.

5. On the other hand, learned APP vehemently opposes the application and submits that the maximum punishment for such offences is life imprisonment. She submits that there are two offences, which are registered against the present applicant. So far as the involvement of the present applicant under PITA is concerned, this is the only case. The present applicant is indulged in heinous offence of engaging minor girls in flesh trade. She further submits that the husband of the present applicant is a

habitual criminal and he has near about 21 cases under various offences including PITA registered against him. She further submits that present applicant has not disclosed the antecedents and my attention was invited to the judgment of this Court in the case of ***Freedom Firm Vs. Commissioner of Police, Pune and Ors.***, in Criminal Public Interest Litigation No.4 of 2015 dated 30th October, 2015, wherein a Division Bench of this Court while dealing with bail applications under PITA, it is held that the nature of accusation, the nature of the evidence in existence, the severity of punishment, the character, behaviour, means and standing of the accused, circumstances peculiar to the accused, the reasonable possibility of securing the presence of the accused at the time of trial and the reasonable possibility of his interference with the witnesses and tampering of evidence should be taken consideration. She further submits that the present applicant is residing in Nandanwan Zopadpatti and, therefore, her address is yet to be verified. Lastly, she submits that considering the gravity of the offence, she does not deserve the bail.

6. The learned counsel appearing for the Victim has adopted the arguments advanced by the learned APP and requested not to grant bail considering the criminal history of her husband.

7. Upon careful consideration of the rival submissions and after perusal of the material placed before me along with the charge-sheet, admittedly, it appears that the

present applicant was arrested on 14.7.2024. It further appears that the present applicant was caught red-handed while engaging one victim, who is aged about 15 years in flesh trade. It could be gathered from the statement of the victim that due to poverty, she was indulged with the help of the present applicant in the said crime. It further appears that there is no forceful act at the behest of the present applicant so as to force the victim to do the flesh trade and, therefore, considering the fact that the Charge is yet to be framed and the trial is yet to be commenced and considering the incarceration of more than one year and six months, I am inclined to grant bail. However, as per the judgment of this Court in **Freedom Firm Vs. Commissioner of Police, Pune and others** (referred supra) stringent conditions are required to be put on the present applicant. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Prachi Maroti Pal @ Aakash Somkuwar be released on regular bail in connection with Crime No.317/2024 registered with Police Station, Nandanwan, District Nagpur, for the offence punishable under Sections 65(1), 74, 143 (4) of Bharatiya Nyaya Sanhita, under Sections 4, 5 and 7 Immoral Trafficking (Prevention) Act and Sections 4, 6, 8, 12 and 17 of the Protection of Children From Sexual Offences Act, on her furnishing P.R. Bond of Rs. 25,000/- with two sureties in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(iv) The applicant shall provide her residential address and cell number to concerned Police Station and shall not change her place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant should attend Police Station, Nandawan, Nagpur, twice in a month i.e. on 1st and 4th Sunday between 10.00 a.m. to 1.00 p.m. till the trial begins.

(vi) The applicant/accused shall attend each and every date of trial regularly. If she fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, her default would entail the State to apply for cancellation of bail.

(vii) Fees of the appointed counsel be quantified and paid as per Rules.

(M.M.NERLIKAR, J.)