

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE &
DISTRICT JUDGE-8, PUNE.**

**SPECIAL CASE No. 1242/2025
(CNR No.: MHPU01-014923-2025.)**

Wasim Salim Shaikh

Vs. State

**:Order below Exh. 05 :
(Dated 07th March, 2026)**

The present application is filed by the applicant/accused for regular bail under Section 483 of BNSS in connection with C.R. No.285/2025 registered with Sahkarnagar police station, for the offences punishable U/Ss. 142, 143(2), 118(1), 115(2) r/w 3(5) of the BNS, 2023, U/s. 3(5), 4, 6, 17 of POCSO Act, U/s. 4, 5, 6 of Immoral (Prevention) Traffic Act, U/s. 3(a), 6(a) and U/s 14(a) of Foreigners, Act.

Facts in short, the prosecution case is as follows -

2] That, the complainant is NGO. He informed that the another NGO received information that victim is Bangladeshi and she has been cheated and brought to Pune on the false pretext for giving work in beauty parlour and involved her in prostitution business. Upon this information the victim girl was traced out and after raiding the premises, the victim girl was rescued. Victim stated that the Tamanna Shaikh is her maternal aunt's daughter. She on the false pretext of giving work to her in beauty parlour called her to Bangalore from Bangladesh and when she came there with the help of Rakib Khan, she indulged

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her in prostitution business. When victim refused, Rakib Khan brought her to Pune from Bangalore and with the help of Abhishek Santhebennur indulged her in prostitution business. She was confined in a room at Balajinagar. She was beaten up by belt, hand and abused and threatened her. All the accused knowing that she is minor, indulged victim in the prostitution business. Upon receiving information and location, said girl was traced out and after raiding at Balajinagar, Pune, the alleged victim was rescued and on the basis of information, above mentioned crime has been registered against the accused and co-accused.

3] The applicant in his application stated that he is innocent and has not committed any offence as alleged by the prosecution. He has been falsely implicated. The name of this accused is Wasim Salim Shaikh and not Wasim Salim Reza. He is not identified by the victim as Wasim Salim Reza and he has no reason to use any such name. He has been arrested on suspicion. He is running a hotel at Nigdi, Pune. He has no way concerned with the alleged crime. There is no document showing his involvement. He is residing with his family. FIR clearly indicates that the name of accused is not mentioned in FIR. The accused has no reason to force or never forced any girl. He has been in custody since the date of his arrest. Supplementary charge-sheet has been submitted. The accused has not played any role. Crime No. 348/2019 and 349/2025 are pending against this accused. He is ready and willing to obey all the terms and conditions that

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will be imposed on him. Hence applicant prayed that application be allowed.

4] The investigating officer has filed reply stating that the victim has identified the accused on the basis of his photograph. The accused intentionally using his surname as Reza instead Shaikh. Accused Rakib and Rozi are his relative, they are absconding. There is possibility of absconding. Victim was kept in Hotel Mama Cafe. This accused asked Tamanna to move the victim from this place and in all two crimes are registered against this applicant. There is possibility of tampering, threatening, possibility of remaining absent at the time of trial. Hence prayed that application be rejected.

5] Victim has filed reply stating that there is possibility of repetition of crime. Nature of offence is serious. Hence prayed that application be rejected.

6] Ld. Spl.PP. has filed reply stating that the accused in furtherance of their common intention forced the victim to indulge in the prostitution business. Name of this accused has been revealed in the statement recorded under Section 183 of BNSS. Victim identified the accused. Similar type of offences are registered against this applicant. He has criminal antecedent and possibility of tampering and hampering to the prosecution evidence. Hence prayed that application be rejected.

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7] Ld. Advocate for the applicant in his arguments submitted that the name of this accused is Wasim Shaikh and not Wasim Reza. He invited my attention towards the FIR. The statement of victim recorded under Section 183 of BNSS and supplementary statement of victim girl and submitted that this accused is not a beneficiary. He has not indulged her in the prostitution business. He invited my attention towards the charge-sheet and submitted that identification parade has not been conducted. He further submitted that only two cases are registered against this applicant and in that case he is remaining present, conducting the trial, but due to co-accused are absconding, trial is pending. The accused has shown bonafide to face the trial. Now investigation is completed, charge-sheet is submitted. Therefore according to him, there is no possibility of tampering, hampering the prosecution evidence. He further submitted that the victim has been kept in Rescue Foundation. Therefore she is safe and no possibility of threatening her. The applicant is permanent resident of Pune and applicant would obey all the terms and conditions that may be imposed on him. Hence prayed that bail be granted to the applicant.

8] Ld. Spl.P.P. Submitted that nature of offence is serious. She invited my attention towards the birth certificate and submitted that the victim is 17 years old. She is minor. She has been brought from Bangladesh to Bangalore. She has been forced to indulge in the prostitution business. Later on she has been brought to Pune. She further submitted that victim somehow made call to her husband residing in Bangladesh.

Victim had been confined in a room, with the help of NGO victim has been rescued. There is possibility of tampering and hampering. She further submitted that victim has identified this accused, therefore prima facie material is available. Hence prayed that application be rejected.

9] In reply, Ld. Advocate for accused submitted that the birth certificate is doubtful. Victim is already married, having one son. Therefore it is doubtful whether she is 17 years old.

10] While considering submission of Ld. Advocate for accused on the point of identification parade of the accused, he submitted that surname of the accused is not Reza, but it is Shaikh. Here it is necessary to mention that the victim is not knowing the accused person by name. She had been brought to Pune on 05/07/2025 and as per the FIR, thereafter she met with this accused and the FIR is lodged in the same month on 11/07/2025. Therefore it is not expected from the victim that she knows the full name of the accused. Further, whether surname of accused is Shaikh and not Reza and he is not that person Wasim Salim Reza, can be decided at the time of trial. Further, upon perusal of supplementary charge-sheet it appears that mobile of this accused has been seized. One group photo of three person was shown to the victim, she identified the person wearing white collar shirt as said photograph is of Wasim Reza, that means victim knows the accused by face and not by name, even from the photograph out of three persons she identified the accused and it is not the case of this accused that the person

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identified by the victim is not the accused, therefore there is prima facie material on record on the point of identification of the accused. Hence submission of Ld. Advocate for accused is not acceptable.

11] I have gone through the record of the case it appears that victim was brought to Bangalore under the false pretext of giving job in beauty parlour by her maternal aunt's daughter, she was forced to indulge into the prostitution business. Thereafter when the victim refused, she was brought to Pune. Upon perusal of her statement, there is mention that when she was brought to Pune, she was taken to Hotel Mama Cafe. There is statement of witnesses to show that the said hotel is being run by the present accused. Further the victim has specifically mentioned the name of this accused in her statement recorded under Section 183 of BNSS. The record shows that the victim was confined in a room, somehow she managed to send location to her husband. Her husband with the help of social worker of Bangladesh, contacted social worker of Pune and thereafter social worker of Pune contacted to police and on the basis of location sent by the victim, raid was effected and victim was rescued. This shows that victim was under frightened condition and lodged FIR.

12] Upon perusal of supplementary statement of the victim dated 17/10/2025, victim has given detail story. She specifically stated that this applicant came to the place where she was residing with Tamanna Shaikh, Ramesh Sarkar, Abhishek Santhebennur. Co-accused were working under the

authority of this accused. Even Rakib Rozi are the relative of this accused. This accused used to come there, used to take money from the girls. The main allegation is that when this victim sent location of the room to her husband where she was confined, at that time police came here, but Tamanna Shaikh gave money to them and sent them back and thereafter the room owner Wasim Reza asked Tamanna that this girl has sent location, therefore police came there, in case she has not shifted, then they will come in trouble. Thereafter the victim was shifted in another room in the house of Ramesh, but her wife was not ready to keep her. Then Wasim called wife of Ramesh, that time she allowed her to reside there.

13] From the supplementary statement it has prima facie brought on the record that the co-accused are working under the control of this accused. He used to take money from the girls, indulged them into the prostitution business, he is relative of Rakib Khan, who has forced the victim to do prostitution business at Bangalore. Thereafter victim brought at Pune. She was kept in the hotel of this applicant. This applicant was aware that victim has been brought from Bangladesh to Bangalore and then to Pune. When he came to know that this victim has sent location of the place where she was confined, on the say of this accused, wife of Ramesh allowed to keep the victim in her house. The role of this accused is specifically mentioned. He knows that the victim is Bangladeshi girl and minor, but instead helping her, he asked to shift the victim to any other place and

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on the say of this accused, co-accused Tamanna shifted the victim girl.

14] It appears that the offence is serious and prima facie from the birth certificate it appears that the victim is minor. Even though there is material that the victim is married, having four years' one son, at this stage it cannot be said that the birth certificate is false and bogus.

15] Further upon perusal of the say filed by the investigating officer it appears that in all two crimes are registered against this applicant. After filing of say by investigating officer, accused has filed documents on record, it appears that in said both cases i.e. Crime No. 348/2029 and 359/2025 the victim girl is minor and crimes are registered under Sections 370, 370(A)(2), 363, 366-B, 372, 373, 344 r/w 34 of IPC, Sections 3, 4, 5, 6, 7 of PITA Act, Sections 4, 6, 17 of POCSO Act; and Sections 370, 370(A)(2), 366-B, 373 r/w 34 of IPC, Sections 3, 4, 5, 6, 7 of PITA Act, Sections 4, 6, 17 of POCSO Act respectively. In those cases also victim is minor. Copy of has been filed. Upon perusal of the said FIR it appears that in that cases also the victims are Bangladeshi and minor and they have been indulged in the prostitution business.

16] Thus, there is prima facie document on record to show that the accused has committed similar type of offences with the Bangladeshi girls. Here in this case also victim is minor, below 18 years. The alleged offences are serious. The role

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played by this accused has been specifically stated by the victim. Victim has identified this accused. Even though charge-sheet is filed, but considering the serious nature of offence, as well as considering the fact that this applicant knows the victim, this applicant also knows co-accused Tamanna Shaikh as per the supplementary statement who is working under the control of this applicant. Victim is daughter of maternal aunt's daughter of Tamanna. Therefore Tamanna very well knows the victim. This applicant also knows the Tamanna Shaikh. In such circumstances, in case bail is granted, there is every possibility of threatening the victim, possibility of repetition of crime. Therefore considering all these facts of the case, applicant has not made out just reason and ground for releasing him on bail. Therefore, this application deserves to be rejected and I pass the following order.

ORDER

01. Application is hereby rejected.

Date : 07.03.2026

(Sucheta M. Takalikar)
Special Judge &
Additional Sessions Judge, Pune