

Order below Exh.4 in Spl.Case (POCSO) No.80/2023

The State
(Kalamboli Police Station) ... Complainant.
Vs.
Sate Anishek Shaikh ... Accused.

1. This is a bail application filed by accused **Sate Anishek Shaikh** in C.R. No. 52/2023 registered by Kalamboli Police Station for an offences punishable u/s. 370 r/w 34 of Indian Penal Code, 1860, u/s. 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 and u/s. 12 of The Protection of Children from Sexual Offences Act, 2012.
2. Brief facts of prosecution case is as under: -

The secret information was received that applicant/accused provides girls for prostitution at a place/address mentioned in FIR therefore, one male and female Panch was called. Raid was conducted in a house. Victim was found in the house and upon inquiry she disclosed that she was brought at Mumbai pretending that a work will be given but she was forced for prostitution against her will. Arrested accused was taken in custody.
3. The victim has submitted that arrested accused are her relatives. Applicant/accused was giving

Rs. 10,000/- per month to her for prostitution. If age of victim is considered then she is minor. From her statement it is clear that she was induced and forced for prostitution and applicant/accused is living on earnings from prostitution. Victim was residing with applicant/accused till she was rescued.

4. By filing this bail application it is the contention of the accused that she has been implicated in the false case. She has not committed any offence. One of the accused was already released on bail. In FIR the victim did not alleged that this applicant committed any illegal offence against her. She is ready to obey all the conditions of the court. Hence, prays to grant the bail application.

5. The prosecution strongly oppose the bail application by filing say below Exh. 9 contending that the present accused used to provide the girls for prostitution and she used to use the amount getting from the customers for her own benefit. Her mobile has been seized and was sent for analysis to the lab. Though the accused was knowing that the victim is hardly 15 years of age still then she has send her to brothel. She brought the victim from her native place in a flight at Mumbai only for the reason that she will give her a good job in Mumbai. She brought her from Bihar state to Mumbai. This present lady accused alongwith accused no. 2 took disadvantage

about the economical condition of the victim and dragged her into prostitution. Hence, prays to reject the bail application.

6. I have heard learned Advocate Smt. Wade for the prosecution and learned Advocate Shri. Sachin Mhatre for the lady accused. I have also perused the chargesheet and all other given documents filed on record. Smt. Wade argued that when the Ossification test of the victim was done she was found hardly 13 years of age. The victim has clearly stated all the incident happened with her in her statement u/s. 164 of Cr.P.C. It is to be noted here that this lady accused is the maternal aunt of the victim and she brought her from Bihar to Mumbai in a flight and dragged her into prostitution. The act of the lady accused is very serious in nature. She does not deserve for grant of bail. Hence, I proceed to pass the following order. :-

ORDER

Application for bail stands rejected

Sd/-

Panvel.

Date- 06/02/2024.

(Shaida Shaikh)

Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.