

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD**

Special (POCSO) Case No.209/2020
Order Below Exh.81
(CNR No.MHRG170013812020)

The State of Maharashtra V/s. Manoj Singh Chauhan and 6

(Passed on 06/01/2022)

1] Applicant/accused - Shilpa @ Majida Rahamatiai Lashkar has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec.363, 366(A), 370, 370(A), 372, 373, 376(2)(i), 342, 323, 504, 506 r/w.34 of I.P.C and sec.5(l), 6 and 17 of POCSO Act and sec.3(1), 4, 5,6(1)(2) of Prevention of Immoral Traffic Act, in crime No.343/2016, police station Panvel City.

2] Perused application, say and record.

3] Ld.Adv. for applicant/accused submitted that, present applicant/accused is accused No.4 and she is languishing in the custody since the year 2016. Almost all co-accused released on bail. It is a part-heard matter, but prosecution not examined further witnesses due to the different wave of Covid Pandemic. Again 3rd wave of Covid is proclaimed and again this matter will not be proceeded further. Under such circumstances, it is not proper to keep this applicant/accused behind bar for uncertain period. Lastly, prayed for her regular

bail on the ground of parity.

4] Ld.A.P.P Shri.Patil submitted that, though she is behind bar since the year 2016 but, her direct role appears in the evidence. Victim was 15 years old minor and this applicant/accused forced her for prostitution. It is serious offence. This accused does not shown her change in circumstances. Ground of parity not applicable. Lastly prayed for rejection of her bail.

5] I have gone through record and found, 2 witnesses have been examined. Needless to say that, role of this accused seen in commission of crime. But, on perusing the whole charge-sheet and evidence of witnesses, who have been examined, the greater role of co-accused Manoj and Beenadevi is to be seen. Even though, Beenadevi released on regular bail by the Hon'ble High Court on dated 14/02/2018.

6] Record also shows, co-accused Chhaya Tamang released by Hon'ble High Court on dated 03/03/2017. Accused Nitishkumar Mahto and Anjanikumar Saha already released by Hon'ble District Court on dated 24/04/2017. Hence, considering huge custody period of this accused coupled with ground of parity, I pass following order.

ORDER

1. Regular bail Application (Exh.81) is hereby allowed.

2. Applicant/accused - Shilpa @ Majida Rahamatiai Lashkar be released on bail of the offences punishable u/sec.363, 366(A), 370, 370(A), 372, 373, 376(2)(i), 342, 323, 504, 506 r/w.34 of I.P.C and sec.5(l), 6 and 17 of POCSO Act and sec.3(1), 4, 5,6(1)(2) of Prevention of Immoral Traffic Act, in crime No.343/2016, police station Panvel City, on her executing bond of Rs.25,000/- with one solvent surety in the like amount on following conditions -
 - a] She shall attend the court on each and every date without fail.
 - b] She shall not meet or pressurize with the informant and prosecution witnesses.
 - c] Whenever she wants to leave her resident district, she shall obtain prior permission of this court.
 - d] She shall give undertaking that, she will attend the court on each date.
3. The breach of above conditions shall lead to the cancellation of bail.
4. Bail before concerned court.
5. Hamdast allowed.

Panvel,
Date : 06/01/2022

(Madhuri Anand)
Additional Sessions Judge,
Panvel-Raigad.

Dictation started on : 4.20 p.m
Dictation concluded on : 4.40 p.m

Note :- Argument of both parties heard on 01/01/2022 and kept for order on 06/01/2022 and order passed on same date.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	P.S.Mhatre
Name of Court	District Judge-2, Panvel-Raigad
Date of Dictation	06/01/2022
Order signed by the P.O on	06/01/2022
Order uploaded on	