

MHTH010012822026



**Kabita Abhijit Dinda  
Vs.  
The State of Maharashtra  
through Shil Diaghar Police Station**

**Order below Exh.1 in Regular Bail Application No. 369/2026**

1] This is an application for bail preferred by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, in connection with C.R. No. 109/2026 registered with Shil Diaghar Police Station for the offences punishable under Sections 143(1), 143(3) of Bharatiya Nyaya Sahita r.w Section 4, 5 of PITA.

2] Heard learned Advocate for the applicant and learned APP for the State. Perused the application and the papers of investigation.

**PROSECUTION CASE**

3] The prosecution case, in brief, is that on 24.02.2026, the police apprehended the applicant from Hotel Konkan Ratna Family Garden Restaurant and Bar, Padlegaon, Thane, where it is alleged that she had brought two women and was engaging them in prostitution by offering them to customers for sexual intercourse. Consequently, the present crime came to be registered against the applicant.

4] It is submitted on behalf of the applicant that she has been falsely implicated in the present case. The applicant contends that both the alleged victims are major women, and that the applicant was merely working as a team leader for selling imitation

jewellery along with sales girls. It is further submitted that the alleged victims had voluntarily chosen their profession and the applicant had not forced them to indulge in prostitution.

### **SUBMISSIONS OF THE APPLICANT**

5] Learned counsel for the applicant further submits that the applicant has been in custody since 24.02.2026 and the investigation is practically over, as the statements of witnesses have been recorded, medical examination of the victims and the applicant has been conducted and the spot panchnama has already been drawn. Therefore, no purpose would be served by further detention of the applicant.

### **SUBMISSIONS OF THE PROSECUTION**

6] Learned APP opposed the application contending that the applicant was involved in facilitating prostitution and the allegations are serious in nature.

### **REASONS**

7] I have carefully considered the rival submissions and perused the investigation papers. The record indicates that the applicant was apprehended on 24.02.2026 from Hotel Konkan Ratna, Padlegaon, Thane and is alleged to have engaged two women in prostitution, thereby attracting offences under Sections 143(1), 143(3) of the Bharatiya Nyaya Sanhita read with Sections 4 and 5 of the Immoral Traffic (Prevention) Act.

8] At this stage, it is pertinent to note that the victim women are stated to be major. The material collected during investigation

shows that their statements have already been recorded and medical examination has been carried out. The spot panchnama has also been drawn, thereby indicating that substantial investigation has already been completed.

9] The applicant has been in custody since 24.02.2026 and there appears to be no further recovery or discovery to be effected at her instance. The prosecution has not pointed out any specific circumstance demonstrating that the custodial presence of the applicant is further required for the purpose of investigation.

10] At this stage, the allegations against the applicant primarily relate to facilitating or living on the earnings of prostitution. Whether the applicant had a direct role in compelling the alleged victims to engage in prostitution or whether she merely acted in some ancillary capacity are matters which would require appreciation of evidence during trial.

11] The applicant is stated to be a permanent resident having roots in society, and there is no material placed before this Court to show that she is likely to abscond or evade the process of law. The apprehension of the prosecution regarding tampering with evidence can be adequately taken care of by imposing appropriate conditions.

12] It is also well settled that pre-trial detention should not be punitive in nature. When the investigation is substantially completed and the presence of the accused can be secured by imposing suitable conditions, continued incarceration would not serve any useful purpose.

13] Considering the nature of accusations, the stage of

investigation, the period of custody undergone by the applicant and the absence of necessity for further custodial interrogation, this Court is of the view that the applicant can be released on bail with stringent conditions so as to ensure her presence during trial and to safeguard the prosecution case. Hence, the following order is passed:

**ORDER**

- 1] The Criminal Bail Application No. 369 of 2026 is allowed.
- 2] The applicant **Kabita Abhijit Dinda** shall be released on bail in C.R. No. 109/2026 registered with Shil Diaghar Police Station for the offences punishable under Sections Sections 143(1), 143(3) of BNS r.w Section 4, 5 of PITA on furnishing P.R. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount, subject to following conditions :
  - a) The applicant shall not tamper with the prosecution evidence or influence witnesses in any manner.
  - b) The applicant shall attend the concerned police station as and when called for investigation.
  - c) The applicant shall not leave the jurisdiction of the Court without prior permission.
  - d) The applicant shall regularly attend the trial Court on the dates fixed.
- 3] Applicant/accused to furnish Bail before the Ld. JMFC, Thane.

Date-13.03.2026.

(V. L. Bhosale)  
Additional Sessions Judge, Thane.