



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.104 OF 2023

JANNATUL FIRDOUS ROY ..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Rituj J. Waghmare i/b. SAVJ Law Solutions for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

Ms. Priyanka H. Chavan for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 30, 2023.

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
2. This is an application for bail in respect of the offence punishable under Sections 376, 344, 366B, 370(A)(2), 372, 373 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 3, 4, 5, 6 of Immoral Traffic (Prevention) Act, 1956 and under Sections 4, 6, 17 of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) registered vide C.R.

No.347 of 2018 with Faraskhana Police Station, Pune. Later an offence punishable under Section 14 of Foreigners Act, 1946 and Sections 3, 6 of Foreigners Order, 1998 came to be added.

3. The FIR was registered on 30.11.2018. The applicant is the accused No.2. The allegations mainly are against the accused No.1. The applicant is a woman. She was arrested on 01.12.2018 and is in custody for more than four years and eight months with the possibility of the trial commencing and concluding any time soon seems remote. The victim is from Bangladesh. The accusations are that the victim is a resident of Bangladesh and she was forced into prostitution by the accused. I have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (hereafter "Cr.P.C.", for short) in which the main allegations are against the accused No.1. There are no allegations against the accused No.2. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed.

The applicant is enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Jannatul Firdous Roy in connection with C.R. No.347 of 2018 registered with Faraskhana Police Station, Pune shall be released on bail on her furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Faraskhana Police Station, Pune once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall surrender her passport if not already surrendered.

(g) It is open for the concerned authorities to proceed in accordance with law as the applicant is a Bangladeshi National.

(h) The applicant shall attend the trial before the trial Court regularly.

4. The application is disposed of.

5. I express my gratitude for the able assistance rendered by the Advocate Priyanka H. Chavan representing respondent No.2 in these proceedings.

6. The Legal Services Authority may regularize the appointment of Advocate Priyanka H. Chavan.

(M. S. KARNIK, J.)