

Anand

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

BAIL APPLICATION NO.487 OF 2015

Jakki alias Zaki Shahanawaz Bardi .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.P.A.Pol i/b. M/s.Pol Legal Juris, Advocate,
for the Applicant

Mr.Y.M.Nakhwa, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 22ND APRIL, 2015

P.C.

. Heard the learned counsel for the
applicant and the learned APP for the
respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection
with C.R.No.I-274 of 2014 registered with the
Bhiwandi City Police Station, Mumbai, for the
alleged offences punishable under Sections
366A, 370(1), 372, 373 of the Indian Penal

Code, Sections 4,6 & 14 of the Protection of Children from Sexual Offences Act and under Sections 3, 4, 5, 6 & 7 of the Prevention of Immoral Trafficking Act.

3. The principal allegation as against the applicant, according to the prosecution is, that the applicant being the owner of the premises, had permitted the said room to be used for prostitution. The learned counsel for the applicant submits that the applicant had inherited the said room from his father, after his death and that the premises was standing on his name, as owner of the premises. He submitted that there is nothing in the entire charge sheet to show that the applicant had knowledge that prostitution activities, were going on in the said premises. He submitted that the applicant had given the said premises on rent to co-accused Najma Irshad Bablu Khan, who in turn had kept three minor girls in the said premises. He submitted that the applicant

had given the premises on rent to Najma Khan, as is evident from the statement of some of the witnesses and that he had no reason to know nor had any knowledge that such illegal activities were going on in the said premises.

4. The learned APP is unable to show any document or statement of any witness, which would reflect, that the applicant had knowledge with regard to the prostitution activities in the said premises.

5. Perused the charge-sheet. Considering the material on record, it cannot be presumed that the applicant had knowledge of the illegal activities going on in his premises, which were admittedly rented by him to one Najma Khan. The learned APP has also not been able to point out a single statement, to show that the applicant had knowledge of the illegal activities going on in his premises. Considering the nature of allegations and the

role of the present applicant, the applicant is entitled to be enlarged on bail on the following conditions:

(i) The applicant be released on bail on his furnishing P.R.Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the investigating officer of the Bhiwandi City Police Station, Mumbai;

(iv) The applicant shall co-operate in the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the

applicant's bail.

6. The aforesaid observations are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)