

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 638 OF 2015**

Nageshwar Gangaram Danthala	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prabhanjay R. Dave for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

PI Ranmale from N.M. Joshi Marg Police Station is present

CORAM : REVATI MOHITE DERE, J.

TUESDAY, 21ST APRIL, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R No. 304 of 2014 registered with N.M. Joshi Marg Police Station for the alleged offences punishable under Sections 370, 372, 373 and 34 of the Indian Penal Code, Sections 4, 5 and 6 of the PITA Act and 3(A) and 4 of the POCSO Act.

3. The learned Counsel for the applicant submitted that as far as the present applicant is concerned, there is no material whatsoever to connect him with the alleged offence or to show that the applicant had forced or compelled the victim girl into prostitution. He relied on the statement of the first informant i.e. the representative of the NGO, who has lodged the FIR, and the statement of the victim girl, in support of his contention. He also submitted that even though the victim girl was available, her statement was not recorded as an FIR and that there is a delay of 5 days in recording the statement of the victim.

4. Learned A.P.P opposed the bail application. She submitted that the applicant had purchased the victim girl for a sum of Rs. 50,000/- as is evident from the statements of some of the witnesses in the charge-sheet. The said submission is refuted by the learned Counsel for the applicant. According to the learned Counsel for the applicant, there was a transaction, as is evident from the statement of the victim girl, who has stated that she has taken a sum of Rs. 10,000/- and Rs. 20,000/- respectively from the present applicant and that for the repayment of the said amount, Kallu was forcing the victim girl into prostitution.

5. Learned Counsel for the applicant submitted that the applicant has no antecedents. Learned A.P.P on the instructions of the Investigating Officer, who is present in the Court, does not dispute the same. She submitted that earlier, a case was registered against the applicant, but he has been acquitted from the said case.

6. Perused the charge-sheet, in particular, the statement of the victim girl and the complaint/FIR. *Prima facie*, there is nothing in the statement of the victim girl to show that the applicant had coerced, forced or compelled her into prostitution. The applicant has no antecedents. The applicant is in custody since 7th November, 2014 and charge-sheet is filed. Considering the material which is on record, the applicant is entitled to be released on bail, on the following conditions:

ORDER

- (i) The applicant Nageshwar Gangaram Danthala be released on bail in connection with C.R No. 304 of 2014 registered with N.M. Joshi Marg Police Station, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

- (ii) The applicant shall not tamper or attempt to contact the victim girl or any witness 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 N.M. Joshi Marg Police Station;
- (iv) The applicant to cooperate with the conduct of the trial;
- (v) The applicant shall attend the N.M. Joshi Marg Police Station every Saturday between 4:00 p.m. to 6:00 p.m. for a period of two months and thereafter, once in a month on the first Saturday of every month between 4:00 p.m. to 6:00 p.m., till the conclusion of the trial;
- (vi) 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.

7. 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.

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

9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.