

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1539 OF 2015

Bhausahab Uttam Wagh ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. R.N. Gite, for the Applicant.

Mrs. Veera Shinde, APP for the Respondent-State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 14, 2015**

P.C.:

. The application is moved for bail as the applicant/accused is prosecuted arrest for the offences punishable under Sections 4, 5, 7, (1)(b) and 9 of the Prevention of Immoral Traffic Act ("PITA") and under Section 6, 7, 8, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 in C.R. No. II-3021 of 2015 registered with Sarkarwada police station, Nashik.

2. It is the case of the prosecution that the offence was registered at the instance of one Dipak Girme (API) attached to Crime

Branch, Unit-I, Nashik City on 8th March, 2015 as police received information that the immoral trafficking is going on in one hotel named “Padma Hotel”, Nashik. The police planted a bogus customer and gave call to the person involved therein. Thereafter, the victim lady arrived on the spot along with the applicant/accused. he was given Rs. 3,000/-. Thereafter the applicant/accused was arrested. He is inside since then. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that the victim as per the first information report is 24 years old. As per the ossification test, she is 17 years old girl. He submitted that the applicant/accused is 25 years old and he has no antecedents. He submitted that the applicant is innocent and he will not indulge in the similar offence hereinafter.

4. The learned prosecutor opposed the bail application. He submitted that the offence is registered under the Protection of Children from Sexual Offences Act, 2012 (POSCO). The victim girl is only 18 years old. Hence, the application be rejected.

5. Perused the first information report. The victim girl is 17 years old. There are no antecedents against the applicant/accused. The applicant is inside since 8th March, 2015. Considering all the aforesaid circumstances, I am inclined to grant bail to the applicant with certain conditions.

6. Hence, I grant bail as under:

- a) The application is allowed.
- b) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 40,000/- with one or two surety/s in the like amount.
- c) He shall not tamper with the evidence and shall not pressurize the witnesses.
- d) He shall not indulge into any criminal activity, while on bail especially in the offence under POSCO Act.
- e) He shall make himself available and attend all the Court dates regularly.
- f) He shall not abscond and furnish his address to the police station along with address proof.
- g) He shall not leave India without the prior permission

of the Court.

h) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

7. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)