

Anand

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

BAIL APPLICATION NO.1563 OF 2015

Bhavesh Suresh Pawar .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.R.N.Gite, Advocate, for the Petitioner
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 10.09.2015

P.C.

. Heard 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.II-3021 of 2015 registered with the
Sarkarwada Police Station, Nasik, for the
alleged offences punishable under Sections 4, 5,
7(1)(b) & 9 of the Prevention of Immoral Traffic
Act and under Sections 6, 7, 8, 11 & 12 of the

Protection of Children from Sexual Offences Act,
2012.

3. The complainant is one Deepak Girme(API), attached to crime branch, Unit – I, Nasik City. According to him, on 08.03.2015, he received information that prostitution activities were going on, in one hotel named "Padma Hotel" at Nasik. Pursuant to the said information, a decoy customer was sent. The victim girl is alleged to have arrived on the spot with the co-accused and was paid an amount of Rs.3,000/-. Pursuant thereto, co-accused Bhausahab Wagh and the present applicant were arrested.

4. Learned counsel for the applicant seeks bail on the ground of parity. He states that the co-accused Bhausahab Wagh, who is similarly placed as the applicant, has been enlarged on

bail by this Court (CORAM : MRS.MRIDULA BHATKAR, J.) vide order dated 14.08.2015, passed in Bail Application No.1539 of 2015. He submits that the victim girl was a major at the relevant time. He further submits that the applicant has no antecedents.

5. Learned APP states that as per ossification test which was done, the age of the victim girl is 17 years and not 25 years as alleged by the applicant.

6. Perused the charge-sheet. It appears that prima facie, the victim girl was 17 years. It also appears that similarly placed co-accused Bhausahab Wagh has been enlarged on bail by this Court (CORAM : MRS. MRIDULA BHATKAR, J.) vide order dated 14.08.2015 passed in B.A.No.1539 of 2015. The applicant has no antecedents. Charge sheet is filed in the said case and the

applicant is in custody since his arrest i.e. from 08.03.2015.

7. Considering the aforesaid facts, the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 40,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Sarkarwada Police Station, Nasik on the first Saturday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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 concerned Police Station;

(v) The applicant to cooperate with the conduct 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.

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

9. It is made clear that the observations made herein 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.

All concerned to act on the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.