

Anand

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

BAIL APPLICATION NO.1966 OF 2015

Mubarak Lalsab Nadaf .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.J.J.Bardeskar, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.10.2015

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.79 of 2015 registered with the Panhala Police Station, Kolhapur, for the alleged offences punishable under Section 370 of the Indian Penal Code, under Sections 3, 4, 5 & 6 of the Immoral Traffic (Prevention) Act and under

Sections 66(1)(B) & 68(A)(B) of the Bombay Police Act.

3. Learned counsel for the applicant states that the only allegation as against the present applicant is that he was the driver of the vehicle, in which the rescued/victim girls were transported. He submits that no offence under Section 370 of the I.P.C. or under the PITA Act is made out as against the present applicant. He states that some of the accused i.e. the owner of the vehicle and the owner of the house, which was used for prostitution activities, have been enlarged on bail. He submits that the applicant was working as a driver on the vehicle, which was used for transporting the victim girls.

4. Learned APP does not dispute the fact that the applicant was working as driver on the

vehicle. She states that the applicant was driving the vehicle in which the victim girls were transported from one place to another. She fairly submits that the victim girls have not disclosed the name of the present applicant in their statements. Both, the learned counsel for the applicant and the learned APP state that there are no antecedents qua the applicant.

5. Considering the nature of allegations and the role of the applicant, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Panhala Police Station, Kolhapur on every Saturday between 11:00 a.m. to 12:00 noon till the filing

of the charge-sheet;

(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.

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

7. 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.)