

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2550 OF 2014

Swapnil Vasant Bhopale

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shekhar Ingawale for Applicant

Ms. R. V. Nevton APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 20, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 03/07/2014 in crime no. 66/2014 registered at Kodoli Police Station, Kolhapur for offence punishable under sections, 376, 452, 504, 506 r/w 34 of Indian Penal Code and section 3 (2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and under section 7 (1) (d) of Protection of Civil Rights Act and Section 5 of Immoral Traffic (Prevention) Act 1956. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that prosecutrix lodged a report at the

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police station on 03/07/2014, alleging therein that co-accused Sambhaji Patil had, under pretext of getting her job, lured into having sexual intercourse with him. He used to take her to various hotels and have sexual intercourse with her. It is alleged that he had threatened her of dire consequences and that he would inform her husband of her activities. It is further alleged that after sometime, accused no. 1 had insisted upon prosecutrix to have sexual intercourse with other people including present applicant.

3) In the course of investigation, investigating officer has recorded the statement of lodge owner of Kranti Hotel, Lodging and Boarding. He has specifically informed that original accused no. 1 used to visit the hotel with the prosecutrix on a motorcycle on various occasions. Sometimes, he had brought her to the lodge. After he left the room, there used to be other visitors. It prima facie appears that prosecutrix has principal allegations against original accused no. 1, who had introduced her to flesh trade.

4) Learned counsel for the applicant submits that applicant could at the most be a customer. That Immoral Traffic (Prevention) Act 1956 does not

contemplate any punishment to the customers. Prosecutrix has not given any specific date as to when present applicant had ravished her. It appears that complainant was undergoing said trauma from the year 2012 till 03/07/2014 i.e. the date when she lodged the report. Learned counsel for the applicant submits that there are omnibus allegations against the applicant and therefore, he deserves grant of bail.

5) Taking into consideration the papers of investigation, submissions advanced across the bar and the fact that investigation is completed and charge-sheet is filed and applicant has been in jail for almost six months, applicant deserves grant of bail.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)