

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Shrikant Achutan Nair ... Applicant
V/s.
The State of Maharashtra ... Respondent

CORAM : REVATI MOHITE DERE, J.
DATED : 11th MARCH, 2015.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-166 of 2013 registered with the Padgha Police Station, Thane for the alleged offences punishable under Sections 366(A), 370, 372, 373, r/w 34 of the Indian Penal Code and Sections 3, 4 and 6 of the PITA Act. The applicant was arrested in connection with the aforesaid offence on 19th November, 2013, pursuant to a trap/raid laid by the police.

3. Pursuant to an information, received by an NGO i.e. International Justice Mission (I.J.M.) on 18th November, 2013, a raid was conducted at 'Aditya Lodging and Boarding'. According to the prosecution, as the applicant along with the other co-accused were indulging in immoral trafficking of girls, including a minor girl, the police along with the N.G.O raided the said premises, after sending a decoy customer.

4. The present applicant, is alleged to be the Manager, who had taken cash from the customers. Learned Counsel for the applicant contended that the other co-accused have been released on bail and that the girls who were found in the lodge were not minors. He submitted that the said fact has also been recorded in the order dated 12th August, 2014, by this Court (Coram : Smt.S.S.Jadhav,J.) passed in Criminal Bail Application No.1633 of 2014. He submitted that the applicant has no antecedents and that the investigation is complete and charge-sheet is filed.

5. Learned APP opposed the bail application. She submits that the applicant is a resident of State of Tamil Nadu and it is doubtful that

he will be available for trial.

6. Perused the charge-sheet and statements of victim girls. The victim girls were major. The applicant has no previous antecedents. Considering the peculiar facts of the case, and the fact that the investigation is complete and charge-sheet is filed and the fact that the trial is not likely to commence in the immediate near future, the applicant deserves to be enlarged on bail, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local solvent sureties in the like amount ;
- ii) The Applicant shall attend the Padgha Police Station, Thane on first Saturday of every month between 10.00 a.m to 12.00 noon, till the conclusion of the trial ;
- iii) The Applicant shall give his local address and telephone number to the Padgha Police Station, Thane as well as the Trial Court, which is seized of the case ;
- iv) If there is change in the address, the Applicant shall inform the same to the Padgha Police Station, Thane as

well as the Trial Court ;

- v) The Applicant shall also not leave the Mumbai City and Thane District, without the permission of the Trial Court;
- vi) An undertaking with regard to the aforesaid clauses ii) ; iii), iv) and v) shall be filed by the Applicant, in the Trial Court, within two weeks from his release ;
- vii) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

- 7. The Application is allowed and disposed of in above terms.
- 8. 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.
- 9. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)