

Criminal Application No. 4408 of 2016

Sanjay s/o. Trimbak Kapse,
Age : 40 years,
Occupation : Labourer,
R/o. Garkheda, Aurangabad. .. Applicant.

The State of Maharashtra. .. Respondent.

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Mr. A.S. Shinde, Addl. Public Prosecutor, for
the respondent.

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Criminal Application No. 4436 of 2016

Madhukar s/o. Narayan Pawar,
Age : 35 years,
Occupation : Business,
R/o. Sara-Vaibhav, Pratapgad,
Jatwada Road, Aurangabad. .. Applicant.

The State of Maharashtra,
Through Police Station,
Harsul, District : Aurangabad. .. Respondent.

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Mr. N.S. Ghanekar, Advocate, for the applicant.

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 7TH SEPTEMBER 2016

ORAL ORDER:

Applicants in both applications are accused in Crime No. II-3023/2016, for offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, registered with Police Station, Harsul, Aurangabad, at the instance of Vijay s/o. Gajanan Pawar, Police Sub-Inspector. By present applications, applicants / accused are seeking their release on bail.

2. Heard the learned Counsel appearing for applicants / accused. They argued that the FIR does not ascribe role of living on earning of prostitution to present applicants. Applicant Madhukar Pawar is owner of a garrage, whereas applicant Sanjay Kapse is a Labourer and merely because they were found in the flat, they are arraigned as accused.

3. The learned Addl. Public Prosecutor opposed applications by contending that the crime in question

is serious and as yet charge-sheet is not filed.

4. Perused the record made available including the FIR lodged after conducting raid on the flat in question.

5. According to the prosecution case, a brothel was being run at Flat No.3 of Eden Plaza under the guise of running Om Sai Enterprises. On receipt of this information, raid was conducted by employing a decoy. Marked currency notes were supplied to the decoy and on getting signal from him, Police party raided to the flat in question to find out three women and two male persons. According to the prosecution case, applicants were acting as a pimp and they were living on earning of prostitution. Statements of victim women came to be recorded.

6. According to the prosecution case, both applicants / accused persons were living on earning of prostitution. Women found in the flat were not minor. Offences alleged against both applicants are not punishable with life imprisonment. Major part of investigation is already over and as such there seems to be no reason to deny bail to both applicants.

7. Hence, I pass the following order :-

(a) Both Applications are allowed.

(b) Applicants in both applications / accused, in the above crime, be released on bail on their executing P.R. Bond in the sum of Rs. 30,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing of charge-sheet, if any, against them.

(e) Applicants shall not repeat commission of similar type of offences in future.

8. Applications stand disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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