

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4694 of 2016

District : Parbhani

1. Sushilabai w/o. Shyam Kachave @
Sushila Ghanshyam Deshmane,
Age : 45 years,
Occupation : Household.

2. Shyam s/o. Gangadhar Kachave,
Age : 48 years,
Occupation : Hotel Business.

Both R/o. Lad Galli, Manwat,
Taluka : Manwat,
District : Parbhani.

.. Applicants.

versus

The State of Maharashtra,
Through the Investigation Officer,
Police Station, Manwat,
Taluka : Manwat,
District : Parbhani.

.. Respondent.

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Mr. M.P. Tripathi, Advocate, for applicants.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 2ND SEPTEMBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 138/2016,

registered with Police Station, Manwat, District Parbhani, for offences punishable under Sections 370 (2), (3) of the Indian Penal code, so also under Sections 3, 4, 5, 5(a), 5(b)(1), 5(c) and 7 of the Immoral Traffic (Prevention) Act, 1956, by this application, are praying for releasing them on bail in the event of their arrest.

2. Heard the learned Counsel appearing for applicants / accused. By pointing out the order passed under Section 18 of the Immoral Traffic (Prevention) Act, on 14.05.2015, the learned Counsel submitted that premises of applicant no.1 were already sealed. The learned Counsel further argued that statement of Govind Pande (Kulkarni) shows that some other persons were in occupation of the premises where the raid was conducted. The learned Counsel further argued that Section 370 of the IPC has no application to the case in hand.

3. The learned Addl. Public Prosecutor opposed the application by contending that statements of victim women are supporting the case of the prosecution.

4. Perused the charge-sheet. Complicity of both applicants in the crime in question is established in the charge-sheet. Statements of victim women are indicting applicants. Nature of

crime is relevant consideration while deciding application for pre-arrest bail. Considering the nature of crime and complicity of applicants in the crime in question, no case for pre-arrest bail is made out.

5. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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