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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 59 OF 2016

Abhay Parmeshwar Yadav

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. P.R. Dave for applicant.

Ms. A.T. Javeri, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 1st March 2016.

P.C.

1 The applicant is seeking bail in CR No.II-1 of 2015 registered with Navghar Police Station, Bhayandar, Thane (Rural) under Sections under Sections 4,5 and 7 of the Prevention of Immoral Trafficking Act and under Sections 366(A), 370 and 372 of IPC and Sections 11(4)(6) and 12 of Protection of Children from Sexcual Offences Act (POCSO Act).

2 The FIR has been filed by Shri Ravindra Chavan, a member of NGO namely Justice and Care. In the said FIR, it is stated that the police had received a confidential information that the applicant was indulging in an act thereby forcing minor girls in the profession of prostitution. That a

trap was thereafter laid and the applicant was contacted by the said first informant. The applicant agreed to provide two girls at Ashray Lodg, Bhayandar. The applicant thereafter accepted the payment and allowed the two victim girls to enter into the hotel room along with bogus customer. The police thereafter conducted raid and rescued the said victim girls. During the course of investigation, the police have recorded the statements of the victim girls which are at page Nos.27 and 28 to the present application. In the statement of Ms. Fatima @ Tania Ansari gave the names of other accused persons also who allegedly forced her to indulge into the said vocation of prosecution. The names of the said accused persons are Neta Ansari and Ms. Sultana.

3 The FIR itself discloses that the police and or bogus customers contacted the present applicant through another agent namely Tariq. It appears from the record that the three other accused persons are still absconding and not traced out by the police. That the medical examination report issued by the Department of Forensic Medicine, TN Medical College & BYL Nair Charitable Hospital, Mumbai of the said victim girls which is at page 68 of the present application discloses that after conducting various tests, the said Authority has reached to the conclusion that the said victim girls were about 17 and 16 years of age respectively

with margin of plus-minus six months. As the medical certificate issued by the concerned Authority has mentioned the age of the said victim girls below 18 years, the provisions of POCSO Act are applied to the present crime.

4 It appears from the record that the applicant is one of the accused persons amongst the other who acted as an agent. The applicant is arrested on 9.1.2015 and since then he is in jail. The maximum punishment under Section 370 of IPC is 10 years. The learned APP on instructions submitted that there are no antecedents at the discredit of the present applicant. In view of the same, in my opinion the applicant has made out a case for his releasing on bail.

Hence, the following order:-

- (i) The applicant be released on bail in CR No.II-1 of 2015 registered with Navghar Police Station, Bhayandar, Thane (Rural) on his furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall furnish the documents pertaining to the proof of his residence with the Investigating Officer and before the Trial Court.
- (iii) The applicant shall attend the Navghar Police Station,

Bhayandar, Thane (Rural) on every 1st and 3rd Monday of the month between 11.00 a.m. to 1.00 p.m.

(iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)