

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.705 OF 2016

Sumati Gobinda Dey @ Soma ... Applicant

vs.

The State of Maharashtra ... Respondent

Ms. Roshni Singh, for the Applicant.

Mrs. P.P. Shinde, APP for Respondent – State.

Mr. B.A. Sayyed (P.I.), D.B. Marg police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **22nd APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 370(3) read with 34 of the Indian Penal Code and under Sections 3, 4, 5 and 7(1)(b) of P.I.T.A. in C.R. No. 193 of 2015 registered with D.B. Marg police station, Mumbai. The offence is registered at the instance of police constable Mohan More on 4th August, 2015.

2. It is the case of the prosecution that on 4th August, 2015 on credible information police raided the premises namely “Om-Niwas”, D.B. Marg road, Mumbai and they found that six girls and three customers were present there. On inquiry, they found that the girls were indulged in the business of prostitution and the applicant/accused is the owner of the said brothel and she is living on the earnings of the brothel. Hence, the offence was registered.

3. The learned counsel for the applicant/accused submits that Sumati Gobinda Dey is the lady who is running brothel and the name of the applicant/accused is Soma. He submits that all the girls found at the place of prostitution are major. The applicant/accused is not indulged in any illegal activities. She is innocent and she may be granted pre arrest bail.

4. The learned prosecutor oppose the application. She submits that police found the applicant/accused at the said premises and her name is Sumati Gobinda Dey @ Soma. She is the same lady who runs brothel. It is further submitted that the police have made proposal for sealing the premises used for the prostitution.

5. Perused the first information report and the papers of investigation. None of the women found at the premises are minor. The statements of the girls do not disclose that they were forced to enter into prostitution business. They were voluntarily in the prostitution. In view of this, I am inclined to grant pre arrest bail to the applicant/accused on the following terms and conditions:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 30,000/- with one or two solvent sureties in the like amount;
- b) The applicant shall not tamper with the evidence;
- c) The applicant shall not indulge into any other illegal activities, especially under P.I.T.A.;
- d) The applicant shall not leave India without prior permission of the Court;
- e) The applicant shall cooperate with the Investigating Officer and shall attend concerned police station on four Thursdays between 11.00 am to 12.00 noon.

7. Accordingly the application stands disposed of.

(MRIDULA BHATKAR, J.)