

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1105 OF 2016

Bhagesha Rajendra Bhatia .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.D.Suryawanshi, Advocate, for the Applicant
Mr.H.J.Dediya, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 01.07.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C.R.No.I-168 of 2016 registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 370(1), 114 r/w.34 of the Indian Penal Code and under Sections 3, 4, 5, 7 & 8 of the Prevention of Immoral Trafficking Act (PITA).

3. The Complainant is PSI, Sachin Balaji Parodwad, who was attached to the Borivali Police Station, at the relevant time. He has stated that on receipt of a complaint, from one Ramesh Joshi & Manish Shah, alleging that prostitution activities were being carried out in 'Aura Thai Spa', under the guise of massage spa, a raid was conducted and nine women were found to be indulging in prostitution. Out of the said nine women, three were stated to be Thai Nationals. Pursuant to the same, the aforesaid complaint was lodged as against the owner of 'Aura Thai Spa' and others.

4. Learned counsel for the Applicant submitted that the Applicant was appointed as the Customer Service Executive vide letter dated 27.03.2016. He relied on the letter of appointment which is on page No.34 of the Application. He submitted that pursuant to the said letter, the Applicant was asked to start

work from 28th March, 2016. The raid was conducted on 01.04.2016. He submitted that the Applicant had no concern with the alleged offences and has been falsely implicated in the said case.

5. Learned APP does not dispute the fact that the Applicant is an employee and had joined the said 'Aura Thai Spa', only three days prior to the raid.

6. Perused the papers. It appears that charge-sheet is likely to be filed in a day or two. However, considering the material on record qua the Applicant, that she was only an employee and had joined work only 3 days prior to the raid and considering the fact that there are no allegations, that the Applicant procured any of the victim girls, the Applicant is entitled to be enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The Applicant is granted provisional cash bail for a period of four weeks within which the Applicant shall furnish the aforesaid surety;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)