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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1112 OF 2016

Vilas Ramchandra Kasale @

Vilas Namdeo Patil

.... Applicant

V/s.

The State of Maharashtra

.... Respondent

Mrs. Pranali Kakade, I/by Subhash Hulyalkar, for
the Applicant.

Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 12th JULY, 2016.

P.C. :

1. The applicant/accused, in C.R.No.59 of 2016, for offence punishable under Sections 363, 363A, 370A, 372, 373 read with 34 of the Indian Penal Code, under Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956 and under sections 4 & 17 of the Protection of Children from Sexual Offence Act, 2012, registered with Hadapsar Police station, by this application seeks bail during pendency of trial.

2. Heard the learned counsel for applicant/accused. She argued that Rupa Mandal found in the flat is not a minor girl as alleged by the prosecution. The learned counsel further argued that all the three ladies found in the flat have stated the police that they are in the profession out

of their own will. The learned counsel further argued that Rupa Mandal is enticed by co-accused, who are absconding. According to learned counsel for applicant, applicant will stay away from Pune during the pendency of the trial and therefore, he may be released on bail.

3. The learned APP opposed application by contending that the alleged offence is serious and there is enough material collected by the prosecution which shows complicity of the applicant in the crime in question. The learned APP further argued that applicant is having criminal antecedents.

4. The perusal of chargesheet, it is seen that police arranged a trap at the flat in possession of present applicant by sending a decoy. Upon getting signal raid was conducted. According to prosecution case, one minor girl and two other girls were found on the spot indulging in prostitution.

5. One of the woman found on the flat raided by police has stated her age as 16 years in her statement recored by the Investigation Officer. She was subjected to Ossification test during the course of investigation. Her bony age was found to be more than 17 years and below 19 years of age. Except this there is no other evidence to indicate that one of the alleged victim is minor. Statement of female found at the flat raided by police shows that she is in the profession out of her own will.

Yet another woman stated that she is only working as receptionist for attending phone calls. The alleged minor victim stated to police that she was enticed by co-accused Yakub in this profession.

6. After raid police seized an amount of Rs.3,000/- which was also compromising two currency notes of Rs.1,000/- each given by police to decoy.

7. It is averred that applicant is keeping brothel and is living on the earning of the prostitution. Now the investigation is over and the chargesheet has been filed. The trial will take its own time. I have already discussed the nature of evidence against the present applicant. Applicant has criminal antecedents, but care can be taken by imposing necessary conditions for awarding liberty to the applicant. Therefore, following order.

Order

- I) Applicant arrested in connection with above crime, be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- and on his furnishing surety in the like amount.
- II) The applicant shall keep himself away from Pune till conclusion of the trial except for attending dates fixed in the hearing of the trial.
- III) The applicant shall furnish his address to the trial Court. Inform the changes, if any, during pendency of trial.
- IV) The applicant 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.

V) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.

VI) The applicant shall not tamper with the prosecution evidence in any manner.

VII) The applicant shall not repeat commission of similar offence in future. Failure of to comply these conditions will entail him cancellation of this order.

[A. M. BADAR, J.]