

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO.1264 OF 2016

Gopal Dhokal Mandal ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

....

Mr.V. B. Jaiswal with Mr.Nilesh Pandey, Advocate for the Applicant.

Mrs.Rutuja Ambekar, APP for the Respondent/State.

Smt.M.R.Narote, PI, Sahar Police Station

....

CORAM : P. N. DESHMUKH J.

DATED : 10th AUGUST 2016.

P.C.

1 This is an application for grant of bail by accused having been involved in Crime No.456 of 2015 registered by Sahar Police Station for the offence punishable under Sections 370(3) of the Indian Penal Code and Sections 3,4 and 5 of the Immoral Traffic (Prevention) Act.

2 Heard learned counsel for both the sides.

3 According to the learned counsel for the applicant, applicant has no role to play in the present crime, inasmuch as, he is only owner of the premises, which is commercial gala rented out to co-accused Bhagirath, where on the day of incident he was found involved in commission of present crime. Thus, it is the case of applicant that except for owning the premises, he is not aware of any activities carried

out by co-accused, and thus, seeks bail further contending that the investigation is complete, and charge-sheet is already filed before the competent Court.

4 Learned Additional Public Prosecutor opposed the application contending that such illegal activity was carried out at applicant's premises of which he had knowledge, and has further contended that applicant is criminal elements and similar offences are registered against him.

5 Perused the FIR, wherefrom it appears that there is no involvement of applicant stated therein. It is noted that on a raid carried out at the premises situated near Marol Naka, next to Mirage Hotel, of which agreement is on record is found owned by applicant and he is found to have leased the same to co-accused since September 2015, having one of the recitals in this agreement, that the licensee shall use the premises only for lawful purposes, and shall not carry any illegal business, trade or occupation in the said premises. It is further noted that in all eight females were found at the time of raid. Admittedly, all those girls are major, nor any of the girls made any complaint or grievance against the applicant. In that view of the matter, there can be no case of applicant providing such victim girls for the purpose of prostitution or is depending for his livelihood, on the income of said victim girls.

6 Having considering the facts, as aforesaid, and since there is no direct involvement of applicant found, nor it is found that

provision of the Immoral Traffic (Prevention) Act, as made applicable, are *prima facie* attracted, and as investigation is complete, I find no reason to detain the applicant behind bar, pending trial, as even otherwise applicant is stated to have permanent place of residence at Mira Road, District Thane.

7 In the light of above facts, following order is passed.

- (i) Applicant shall be released on bail on his executing personal bond in the sum of Rs.30,000/- with one or two sureties to make the like amount.
- (ii) While on bail, applicant shall mark his presence with Investigating Officer between 11.00 to 1.00 p.m. once in month, pending trial.

Attendance shall be marked from 16th August 2016.

- (iii) In the event of any similar activity found to be carried out in the premises owned by applicant, applicant in that case shall not be entitled for bail on the ground of his being owner of the premises.
- (iv) In addition to above, as stated on behalf of applicant, applicant to give undertaking to Investigating Officer that no such activity shall be carried out at the premises at Marol Naka, next to Mirage Hotel, K Municipal Ward, Andheri-Kurla road, Mumbai – 400 059 owned by him.

(P. N. DESHMUKH J.)