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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 1331 /2016.

Vinay Kumar Adhyaprasad Upadhayay ..Applicant.
Vs
The State of Maharashtra ..Respondent.

Mr Diwarkar Singh, Advocate for the applicant.
Mrs Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 1st October, 2016

P.C.

- 1) This is an application under section 439 of Cr.P.C. for bail in C.R. No. 598 of 2015 registered with MIDC Police Station under section 370 (A) (1), 372 read with 34 of Indian Penal Code read with 4, 5 of the Immoral Traffic (Prevention) Act, 1956 read with 4, 8 and 17 of the Protection of Children from Sexual Offences Act, 2012.
- 2) The first information report is lodged by Mr Vivian S. Gaikwad a member of NGO namely Justice and Care a social organization, having its office at Santacruz (West), Mumbai. It is stated in the said report that the said organization received the information that, the applicant being an agent, in connivance with the co accused Smt. Neelam Nupane were trying to put a minor girl in the vocation of prostitution by accepting Rs.50,000/-. The said information was given to the police. The police

therefore laid a trap. A bogus customer contacted the applicant on his mobile number and the place for meeting was accordingly fixed. The police thereafter, conducted raid and apprehended the applicant, original accused no.1 Smt. Neelam and also accosted a minor victim girl on the spot. The tainted currency notes of Rs.500/- were seized from the person of the applicant. After completion of investigation, the police have submitted the charge-sheet for the offences punishable under various sections as stated herein above.

3) The learned counsel for the applicant submitted that the original accused no.1 Smt. Neelam Nupane is the real mother of the alleged victim girl. That the said accused no.1 is released on bail by the trial Court by its order dated 25/1/2016 on merits and also on the medical grounds. He submitted that in the present crime the role of the applicant at the most can be termed as an attempt to put the alleged victim girl in the trade of vocation. He submitted that, and the charge-sheet is now filed, coupled with the fact that the original accused no.1 is released on bail, no further purpose will be served by further detaining the applicant in jail. He therefore prayed that the applicant may be released on bail.

4) After perusal of the entire charge-sheet, it prima facie appears that there is substance in the submission of the learned counsel for the applicant. The learned APP on instructions submitted that as of today the said minor girl is kept at St. Catharine's Children Home, Mumbai. The

applicant is arrested on 14/10/2015 and since then he is in jail. The charge-sheet is already filed. No purpose will be served by further detaining the applicant in jail. The applicant has thus made out a case for his release on bail.

Hence, the following order:

- (a) The applicant be released on bail in CR No. 598/2015 registered with MIDC Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- (b) After his release from jail, the applicant shall attend the MIDC Police Station, Mumbai on every first Monday of the month, between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial;
- (c) The applicant shall also attend all the dates before the trial Court;
- (d) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of cancellation of bail;
- (e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- (f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)