

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2023 OF 2016

Mr. Devidas Bajirao Bansode	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Advocate for the applicant.

Ms. Veera Shinde, APP, for the State.

Mr. Vikram P. Rajput, PSI, Kothrud Police Station, Pune City.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 25th November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.

The applicant herein is arrested on 7.5.2016 in Crime No.3035 of 2016 registered at Chaturshrungi Police Station, Pune. for the offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act.

2. It is the case of the prosecution that on the basis of the secret information, the police had raided Flat No.5, Pallavi Apartment, Shivalay Society, Pashan, Pune. It was seen that the said flat was being used as a brothel. The principal accused – Jayshree Kalyani Deshpande was in

occupation of the said flat. According to the prosecution, the applicant herein was a power of attorney holder of Parag Kulkarni for the purpose of selling the said flat. He had sold the said flat by way of power of attorney to Jayshree Deshpande, who was using the said flat as a brothel. There are more than 25 offences registered against Jayshree @ Kalyani Deshpande. This is the first offence registered against the present applicant. It is also the case of prosecution that the applicant was working as a watchman for Shivalay Society.

3. The learned counsel for the applicant submits that the papers of investigation do not even remotely indicate that the applicant herein was working for Jayshree @ Kalyani Deshpande. Statements of the witnesses are recorded which would show that the victims were major. The possibility that they were voluntarily indulging into the said profession cannot be ruled out.

4. Taking into consideration the papers of investigation and the role attributed to the applicant, the applicant deserves to be enlarged on bail.

5. The observations made hereinabove are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local surety in the like amount.
- (iii) The applicant shall report to the Chaturshrungi Police Station, Pune on first and third Sunday of each month commencing from 4th December, 2016 till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)