

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1641 OF 2015
WITH
APPLICATION NO.935 OF 2015

Rajanigandha @ Rita Singh.Applicant.

vs.

The State of Maharashtra.Respondent.

Mr. A.A.Pande i/by R.A,. Dubey for the Applicant.

Mr.R.N.Kachave for the Applicant in Application No.935/2015.

Ms. P.P. Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 06th January, 2016

P.C.

The applicant is seeking pre-arrest bail in CR No. 484 of 2015 dated 2.10.2015 registered with Khar Police Station, Mumbai under Section 370(3) read with 34 of the I.P.C. and under sections-3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

2) The first information report dated 2.10.2015 has been lodged by Shri Sanjay Bhosale, Police Head Constable attached to the Khar Police Station. It is the specific case of the prosecution that on a confidential information received by the police, the police conducted raid at Flat NO.101-102, Monatola Building, Linking Road, Khar(W), Mumbai. In pursuance of the confidential information, the police conducted raid on the said premises and arrested some of the accused persons from the said place. The police also rescued six women from the said brothel. During the said

raid the rescued woman and the arrested accused persons informed the police that the applicant is the owner of the said brothel and the said place was being used by her for the purpose of conducting the prostitution business.

3) Mr. Dave, learned counsel appearing for the applicant submitted that at the time of conducting the raid the applicant was not present at the spot and her name has been falsely impleaded in the said crime. That, she has nothing to do with the said business which was alleged to have been conducted by co-accused Gopal Mandal. He submitted that the applicant has only leased out the said premises to Mr. Gopal Mandal. In the circumstances, he submitted that the applicant may be granted pre-arrest bail.

4) The learned APP on the other hand submitted that the name of the applicant has been immediately revealed during the course of raid. She also submitted that as far as other accused persons are concerned and against whom police have filed the charge sheet it has come on record that one of the rescued victim was minor girl and she was forced into the vocation of prostitution and therefore, the provisions of POCSO Act were applied to the present crime. She further submitted that since the date of conducting the raid by the police i.e. from 2.10.2015 the applicant is absconding and is not traceable and was not available to the police for the purpose of interrogation.

5) I have perused the papers of investigation produced before me and the documents annexed to the present application. The first information report itself makes it clear that the applicant was conducting the said brothel at the aforesaid address. It is the

allegation against the applicant that she was conducting the brothel in residential locality. It further appears that the applicant was not available to the police for the purpose of interrogation. The first information report itself makes it clear that the applicant was conducting the said brothel at the aforesaid address. After taking into consideration the fact that the allegations against the applicant are very serious in nature coupled with the fact that the applicant is co-accused in the present crime wherein it is alleged that a minor girl was forced in the vocation of prostitution. It is also to be noted here that that the Anticipatory Bail Application No.1965 of 2015 preferred by the co- accused Gopal Mandal has been turned down by this court on 4.1.2016. According to me the applicant does not nor deserve any sympathy by way of pre-arrest bail. Application is accordingly, dismissed.

6) As the ABA No.1641/2015 is dismissed, the Criminal Application No.935/2015 does not survive and the same is accordingly, dismissed.

(A.S. GADKARI, J.)