

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1965 OF 2015

Gopal Dhokal Mandal.

....Applicant.

vs.

The State of Maharashtra.

....Respondent.

Mr. P.R.Dave for the Applicant.

Ms.Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 04th January, 2016

P.C.

The applicant is seeking pre-arrest bail in CR No. 484 of 2015 registered with Khar Police Station, Mumbai under Section 370(3) read with 34 of the I.P.C., under sections-3,4,5,6 and 7(1)(b) of the POCSO Act and sections 3,4 and 5 of the PITA Act.

2) The first information report dated 2.10.2015 has been lodged by Shri Sanjay Bhosale, Police Officer 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. The confidential information also disclosed that the present applicant was conducting a brothel at the said premises which was situated in residential locality. In pursuance of the confidential information, the police raided the said premises and arrested the accused persons from the said place. The police also rescued six

women from the said brothel. It is further the prosecution case that out of the six women one girl was found to be minor, aged about 17 years. After completion of the investigation, the police have filed the charge sheet.

2) Mr. Dave, learned counsel appearing for the applicant submitted that except the provisions of the POCSO Act rest of the provisions applied to the present applicant are either bailable or attract the punishment/sentence upto 7 years. He further submitted that the medical certificate of the said minor victim girl which is at Page 88 of the present compilation mentions that the said victim girl was aged between 17 to 18 years and therefore, benefit of plus minus one year of the age may be given to his client.

Learned APP per contra submitted that the applicant has been charged with the provisions of POCSO Act as the minor girl was forced to indulge into the business of prostitution. 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.

3) I have perused the entire charge sheet attached to the present application. The first information report itself makes it clear that the applicant was conducting the said brothel at the aforesaid address and was also instrumental in forcing the said minor victim girl in the said vocation. It further appears that the applicant was not available to the police for the purpose of interrogation. In view of the fact that the allegations against the applicant that he forced the minor girl in the trade of prostitution, according to me the applicant does not deserve any sympathy by way of pre-arrest bail. It is further to be noted here that the provisions of the POCSO are correctly

applied to the present crime. In view of the above, as the application is sans of any merit, is accordingly, dismissed.

(A.S. GADKARI, J.)