

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL APPLICATION NO. 2026 OF 2017

Hemasing Shamlalsing and another ... Applicants

VERSUS

The State of Maharashtra ... Respondent

.....

Mr. A.S.Savale, advocate for the applicants

Mr. A.D.Namde, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 21st JUNE, 2017

O R D E R :

Heard Mr. A.S.Savale, learned counsel for the applicant and Mr. A.D.Namde, learned A.P.P. for respondent.

2. As per the report given by one Ankush Borate, Police Sub-Inspector, Shahada police station, offence punishable under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 was registered. Later on offence punishable under Sections 3, 4 of the Protection of Children from Sexual Offences Act was added.

3. From the contents of first information report, it appears that on 10.1.2017, raid was

conducted with joint operation of police and Rescue Foundation at vegetable market at Shahada. A mock customer was sent by police to the alleged brothel and some money was allegedly given to the applicant no.1 and applicant no.2 who are allegedly the brothel keepers. After soliciting the mock customer, he made a call to the police officers and raid was conducted. It was found that applicants are running brothel business, from where seven victims were allegedly rescued, out of which one is minor girl of 12 years. On making inquiry with minor girl, she stated that she was there for doing domestic work and she was not sexually harassed and assaulted.

4. During the course of arguments, Mr. Savale, learned counsel for the applicants submits that immediately they were arrested on 11.1.2017 and after custodial interrogation they were remanded to Magisterial custody.

5. By referring the statements of various witnesses including the victim, Mr. Savle, learned counsel points out that the victim came there on their own accord and they were not compelled to

come there and do the work of prostitution.

6. As against this, learned A.P.P. submits that illegal act of prostitution was going on since long and applicant no.1 is running the same.

7. In view of the submissions of both the sides and the fact that present applicants were available for interrogation, further detention of the applicants is not necessary and they can be released on bail by putting certain conditions.

8. Hence the following order.

(i) Criminal Application is allowed.

(ii) Applicant nos. 1 and 2 be released on bail in connection with Crime No. 5 of 2017, registered at Shahada police station, District Nandurbar, on furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount.

(iii) Applicant no.1 shall not leave Shahada without permission of the investigating officer till conclusion of trial.

9. Criminal Application is disposed of.

(K.L.WADANE, J.)