

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 67 OF 2017

Kisan Mahavir Gupta	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Shantanu R. Phanse,Advocate for the applicant.

Ms. Veera Shinde, APP, for the State.

Mr. N.T.Khule PSI, Kashimira Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 20th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 4.6.2016 in Crime No.403 of 2016 registered at Kashimira Police Station. The investigation is completed and charge-sheet is filed against the applicant under Section 370(3) of the Indian Penal Code and under Sections 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956.

2. It is the case of the prosecution that Sanjay Bangar lodged a report at the police station alleging therein that on the basis of a secret information, the police had raided the premises of Sapna Lodge on 4.6.2016 by sending a decoy customer. As there was reliable information that the said hotel is being used as a brothel. Two girls were rescued from the said

hotel. The statements of the victims were recored and they had specifically disclosed that they were in service of Suraj and Surendra (absconding accused) and that Suraj and Surendra had coerced the girls to indulge into prostitution. The present applicant happens to be workig as a waiter in the said hotel. It appears that the reticence was issued to Hariprasad Shridhar Shetty for lodging and boarding by Sub-Divisional Magistrate, Thane. That applicant has been in custody for almost 8 months. The principal accused are absconding. The prosecution may file charge-sheet against the principal accused under Section 299 of Cr.P.C.

3. Taking into consideration the material collected in the course of investigation and the submissions advanced across the Bar, the applicant deserves to be enlarged on bail.

4. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration 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 solvent sureties.

(iii) The applicant shall report to the Kashmir Police Station on every Sunday between 10.30 a.m. to 12 noon till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)