

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 305 OF 2016

Suresh Ramavatar Mandal

.....Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Vasant B. Ghorpade Advocate for Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 9th JANUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 11/07/2015 in crime no. 302 of 2015 registered at Nagpada Police Station, Mumbai for offence punishable under sections 376, 370 (3), 343 r/w 34 of the Indian Penal Code and sections, 4, 5 & 6 of the Immoral Traffic (Prevention) Act, 1956.

2) It is the case of the prosecution that on 16/07/2015, police received a phone call from lady namely Savitri Sarkar and she had disclosed to the police that she has been kept in detention for the purpose of prostitution and that she should be rescued. Police had decided to take action. On the basis of

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the tower location, it was revealed that the place from where she was called was Bapti Road. They had taken the assistance of the Social Service Branch and had been to the said spot. They traced the woman in distress. She disclosed to the police that since Saturday, she was kept in detention on the mezzanine floor of one building, but she could not give the address. She had identified a motorcar and had informed the people who had used her for trafficking who told the taxi driver to take her to Paras Road. They had been in the lane in front of I. M. Lakadawala and Sons. She had seen the said persons on that day. Police had raided the said premises and had arrived at a conclusion that the said premises was being used as a brothel. There was another woman in the said premises namely Basanti Mandal who also hailed from Kolkata.

3) Upon inquiry with Savitri, she had informed that one person namely Raju had misled her and had asked her to come to Mumbai on the pretext that he would give her a better job. She had come to Mumbai on 23/05/2015. He had taken the victim to Marol Pipeline and had given her a room on rent. Raju had ravished her and thereafter, he had called his friends to that place. He had taken her to the present applicant in order to introduce her to

prostitution. Present applicant had sexual intercourse with her and then Raju and the present applicant had abandoned her at Grant Road, Dinshaw Building. Resident of the said building namely Shanti Pujari had informed her that she has been sold by Raju and the present applicant. She was being forced into prostitution. Whenever there was raid in the said building, other accused used to take her from the rear road and thereafter, Bablu and Mannu had detained her on the mezzanine floor of room no. 12. she had given the names of the accused persons. She had disclosed that she was sold by the present applicant along with Raju to the brothel. Her statement was recorded on the same day. She had reiterated her trauma. In the said statement, she has stated that on 24/06/2015, present applicant had taken her to Grant Road on the pretext of giving her a better job and sold her to Shanti. She was forced into prostitution. In the police raid, she was made to escape along with Bablu and Mannu who had detained her.

4) The learned counsel for the applicant submits that the co-accused have been enlarged on bail and therefore, applicant also deserves to be enlarged on bail. He has placed reliance upon the order passed by the learned Sessions Judge granting bail to Raju vide order dated 30/12/2015. The learned Sessions

Judge has observed that present applicant i.e. Suresh had posed to be the husband of Savitri. She was raped by the present applicant against her wish. The learned Sessions Judge has observed that the role attributed to Raju was that he had called the victim to Mumbai and victim was staying with him voluntarily. It is also observed that when he asked her to leave the room she had joined the other accused who raped her. The learned Sessions Judge haad observed that Raju had not forced her to stay in room no. 12 nor he had ravished her against her wish.

5) The learned APP submits that there is every possibility that the State may challenge the order dated 30/12/2015 granting bail in favour of Raju Anthony.

6) *Prima facie* upon perusal of papers it appeas that applicant and Raju are in the business of immoral trafficking. They had taken advantage of vulnerable girls who had come in search of service. In the present case, there is ample material to show that the applicant along with others had not only sold her in a brothel but had also been instrumental in detaining her and keeping her in illegal detention till she called the police.

7) The learned counsel for the applicant submits that in fact, the victim

could have called the police much earlier. There is a delay in lodging F.I.R. and it is clear that the victim had voluntarily entered into prostitution.

8) These aspects cannot be taken into consideration at this stage. *Prima facie*, there is sufficient material to indicate that the applicant had ravished her and had sold her to a brothel. It is in these circumstances that the applicant does not deserve to be enlarged on bail.

9) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)