

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1519 OF 2017

Dinkar Naga Bhoir ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Ms.Naima Shaikh i/b. Swapnil M.Dighe, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 6th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.I-177 of 2016 for offences punishable under Sections 370(1)(3) read with Section 34 of the Indian Penal Code as well as Sections 3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred as 'PITA' for the sake of brevity), by this application, is seeking his release on bail during pendency of the trial.

2 The learned Advocate appearing for the applicant pointed out leave and license agreement in order to demonstrate that the hotel was given on leave and license basis to one Mr.Vitthal Shetty and as such, the applicant is not concerned with the said Hotel.

3 It is further argued that all co-accused are already released on bail vide Order dated 6th December 2016. This Court has vide Order dated 15th December 2016 granted liberty to the applicant to move fresh bail application if the trial is not finished.

4 The learned Additional Public Prosecutor opposed the application by contending that the applicant is having criminal antecedents and after his release on bail for similar offence, he has committed the instant offence.

5 I have carefully considered the rival submissions and also perused the charge sheet.

6 Raid was conducted by police on 'Hotel Ganraj Restaurant Bar and Lodging' by deploying a decoy customer on receipt of the information that the hotel is used as a brothel and several women are sexually exploited by procuring them for the sake of prostitution. The present applicant was found on the counter of the said hotel after the police team raided that hotel on receipt of pre-determined signal by the decoy customer. Several women were found in the hotel. The decoy customer was provided with a women for the purpose of prostitution on receipt of charges from him.

7 The learned Additional Public Prosecutor has pointed

out that Crime No.102 of 2016 for offence punishable under Sections 3,4,5 and 6 of the PITA is registered against the present applicant with A.P.M.C. Police Station, Thane and he has been released on bail by the learned Judicial Magistrate First Class, Washi on 26/05/2016. This makes it clear that after securing liberty through the process of the Court, the applicant has indulged in commission of similar offence. Women involved in the prostitution have reported the Investigator that they are procured by the present applicant and the co-accused. They have stated that the present applicant is owner of the Hotel which according to the charge-sheet, is used as a brothel. As such, the so called leave and license agreement is of no consequence.

8 Considering the nature of offence and its seriousness wherein several women are seen to be forced for prostitution coupled with the past antecedents of commission of similar offence by the present applicant, he is not entitled for bail. Therefore, the Order :

- (i) The application is rejected.
- (ii) However, the learned trial Court is directed to expedite the trial and finish it within a period of one year from the date of communication of this Order.

(A.M.BADAR J.)