

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1538 OF 2017

Sopan Laxman Mhaske .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.760 OF 2017
(For Intervention)
IN
BAIL APPLICATION NO.1538 OF 2017**

Vikas Gupta .Intervenor

IN THE MATTER OF

Sopan Laxman Mhaske .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.D.Suryawanshi, Advocate, for the Applicant
Mr.R.M.Pethe, APP, for the Respondent – State
Ms Tina Patel, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-46 of 2017 registered with the Bhiwandi Police Station, for the alleged offences punishable under Sections 366, 367, 370(3), 371, 109, 34 of the Indian Penal Code and under Sections 4, 5, 6, 7 & 9 of the Immoral Traffic (Prevention) Act, 1956.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submits that although, according to the prosecution, the Applicant is the owner of the premises, where the raid was conducted, there was no document to show that the Applicant was the owner of the said premises. He relied on page No.144 of the Application issued by the Bhiwandi Nizampur Municipal Corporation in support of his submission. He submits that the Applicant does not have any other similar antecedent.

4. Learned APP and the learned counsel for the Intervenor oppose the Application.

5. Perused the papers, in particular, the statements of the victim/rescued girls. As far as one of the rescued/victim girls aged 28

years is concerned, she has not named the Applicant. As far as the other two rescued/victim girls aged 25 and 35 years are concerned, it appears that they were doing prostitution, on their own accord. According to the statements of the rescued/victim girls, on 02.02.2017, when they were watching T.V. in the room of the Applicant, police raided the premises. It appears from the letter dated 07.03.2017 that the room where the raid was conducted belongs to some other persons. Be that as it may, investigation is complete and charge-sheet is filed. Considering the Applicant's role, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.50,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on the **first Saturday of every month** between **10:00 a.m. to 11.00 a.m.** till the conclusion of the trial;
- (iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant to cooperate in the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. In view of disposal of the Application, the Intervention Application does not survive and the same stands disposed of accordingly.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)