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

BAIL APPLICATION NO. 1717 OF 2017

Satish Marlinghe Gowda

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. P.R. Dave for Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 12th DECEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 41 of 2017 dated 7.3.2017 registered with Dr. D.B. Marg Police Station, Mumbai under Sections 366-A, 370(1) r/w 34 of the Indian Penal Code, under Sections 3,4,5,7 (i)(b) of the Prevention of Immoral Trafficking Act, and 4,8 and 17 of the Protection of Children from Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, after receipt of a specific information from Shri James Warghese, worker/activist attached to NGO namely India Rescue Mission, the vocation of prostitution is being carried

out at a particular place, the police conducted raid at the place of offence mentioned in the first information report. That two major women and one minor girl was found at the scene of offence. It is the prosecution case that, the applicant and other accused persons were living on the earnings derived from the vocation of prostitution and it is allegation against accused persons that the said victims were forced into the said activity. That the applicant was acting as agent/tout in the said transaction. During the course of investigation, the police have arrested the applicant on 7.3.2017 at the scene of offence itself. After completion of investigation, police have submitted chargesheet.

4] The statements of the victims namely Roshni and Pallavi indicate that they were indulging into the said vocation at their own will and prima facie it appears that there is no allegation against the applicant that, the applicant has forced them into the said vocation. The record further indicates that, it is the accused No.1 Anju Singh who was instrumental in conducting the said vocation and was indeed earning her livelihood derived from the said vocation.

5] After perusing the chargesheet, this Court is of the view that, the further incarceration of the applicant is not necessary.

Hence, the following Order:

(i) The applicant be released on bail in CR No. 41 of 2017 registered with Dr. D.B. Marg Police Station, Pune on his furnishing PR bond of Rs.50,000/- with one or more sureties to make up the said amount.

(ii) After his release from jail, the applicant shall attend Dr. D.B. Marg Police Station on every alternate Monday for a period of 6 months and thereafter on every 1st Monday of the month between 10.00 a.m. to 1.00 p.m.

(iii) Applicant shall also attend all dates before the Trial Court.

(iv) Any two consecutive defaults shall attract the provisions of cancellation of bail.

(v) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)