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

CRIMINAL BAIL APPLICATION NO.1742 OF 2017

Mohd. Ashpak Afaak

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.S.R.Phanse, i/b Mr.Ravi Kotian, for the Applicant.

Ms.Anamika Malhotra, A.P.P for the Respondent-State.

PI Crime – Anant, Bhivandi City Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2017

P.C. :

1. 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 Bhivandi City 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 and 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 submitted that none of the 3 victim girls have named the applicant, as being the person, who was responsible for them, getting into prostitution. He submitted that although the applicant was found at the premises, when the raid was conducted, the said room was owned by one Sopan Mhaske and not by the applicant. He submitted that nothing incriminating was seized at the instance of the applicant.

4. Learned APP is unable to show any material to connect the applicant with the alleged offences. She submits that the applicant had taken the room on rent, where prostitution was being conducted, however, she states that there is no document to that effect. She submitted that there is one similar antecedent, qua the applicant of the year 2006.

5. Perused the papers. It appears that the complainant – Vikas Gupta, a social worker had received information, on 2nd February, 2017,

that prostitution activities were being carried out at Mhaske Chawl, near Bhivandi. Pursuant thereto, the complainant and his colleagues working in the NGO 'Justice and Care' approached the Senior Inspector of Bhivandi Police Station. Accordingly, a raid was conducted at the said place and the present applicant alongwith other co-accused were apprehended at the spot, where the 3 victim girls aged 25, 27 and 30 years were rescued from the said premises. Out of the 3 victim girls, one victim girl was from Bangladesh. Pursuant thereto, the aforesaid complaint alleging the aforesaid offences was lodged. Admittedly, none of the victim girls have mentioned or disclosed the name of the applicant nor have they attributed any overt act to the applicant. Although, it is alleged that the room was taken on rent by the applicant, there is no document placed on record in support thereof. No doubt, there is one antecedent, qua the applicant, however, that by itself could not be a ground to deny bail to the applicant.

6. Considering the role of the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local solvent 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;

7. The Application is allowed and disposed of in above terms.
8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)