

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1969 OF 2016

Zhuma Ratan Mandal

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. A. Karimkhan Pathan Advocate for Applicant.

Ms. J. S. Lohakare APP for the State.

Mr. Prakash Pawar, API Kashmirira Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 3rd FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 16/11/2015 in crime no. 644 of 2015 registered at Kashmirira Police Station. Investigation is completed and charge-sheet is filed against present applicant for offence punishable under section 370 of Indian Penal Code and Section 4, 5 & 7 of the Immoral Traffic (Prevention) Act, 1956.

2) It is the case of the prosecution that on 16/11/2015, a secret information was received by the police station of Kashmirira Police Station that there is

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human trafficking and some people are running a brothel at hotel Sai Palace. On the basis of the said information, it was decided to conduct a raid on the given address. Police had hence, conducted raid at about 2.50 hours. They had seen three girls had alighted from the rickshaw along with present applicant. All of them were apprehended by the police.

3) Statements of rescued women were recorded and they had disclosed to the police that due to financial stringency, they had voluntarily engaged themselves into prostitution to support their family. The learned Sessions Judge has rejected the application on the basis of Judgment of this Hon'ble Court in PIL No. 4 of 2015 where all the Sessions Courts were guided that no bail shall be granted in cases of immoral trafficking, however, the said direction has been set aside by the Hon'ble Division Bench of this Court in Criminal Writ Petition No. 3184 of 2016 vide Judgment and Order dated 15/10/2016. Applicant has been in custody for more than one year. There are no criminal antecedents.

4) Taking into consideration the papers of investigation and the fact that the investigation is completed and charge-sheet is filed, applicant deserves to be enlarged on bail. However, it is made clear that observations made herein

above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.
- (iii) Applicant shall not leave Bombay till the conclusion of the trial.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)