Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2147 OF 2017

Santosh Hari Nisat .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. S. Deshpande, Advocate, for the Applicant
Mr. A. Patil, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 17.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 149 of 2017 registered with Bharati Vidyapeeth Police Station, Pune under Section 370 of the Indian Penal Code, under Sections 4, 5(A), 6 of the Immoral Traffic (Prevention) Act and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act.

2. It is the prosecution case that the accused No.1 namely Deepak Patra alongwith present Applicant and other accused persons were involved in the activity of conducting the vocation of prostitution and were earning and living on the benefits accrued from it. The Applicant was working as gardener-cum-watchman at the said bunglow.

That on 02.04.2017, the police conducted a raid in a bunglow at Katraj, Pune on a specific information that certain girls/ladies were stationed there for the purpose of prostitution. After receipt of the said specific information, police conducted raid and rescued eight girls/ladies. Out of the said victim girls, after performing ossification test, one girl was found to be below the age of 18 years and therefore, the provisions of POCSO Act are applied to the present crime. After completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet. The said minor victim girl in her statement to the police has stated that, due to precarious financial condition of her parents, she came to Mumbai and on her own will was indulging into the said vocation. The other victim girls also narrated the similar facts in their statement. The Medical Certificate issued by B. J. Govt. Medical College and Sassoon General Hospital, Pune indicates that the said victim girl was above 16 years and below the age of 18 years. As noted earlier, it is the allegation against the Applicant that he was working as gardener-cum-watchman at the said bunglow where it is alleged that the vocation of prostitution was being carried out. The record indicates that co-accused Mallikarjun Muktapure who is alleged to have played a vital role in the present crime has been released on bail by this Court by an Order dated 09.11.2017.

In view thereof, the Applicant can be released on bail on the ground of parity.

Hence, the following Order:

(i) The applicant be released on bail in C. R. No. 149 of 2017 registered with Bharati Vidyapeeth Police Station, Pune on his furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount;

(ii) After his release from the jail, the applicant shall attend the concerned Police Station every 1st Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial;

(iii) Applicant shall also attend all the dates before the trial Court;

(iv) Any two consecutive defaults in complying with the above conditions will attract the provisions of cancellation of bail;

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

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)