

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 2050 OF 2016**

|                               |     |             |
|-------------------------------|-----|-------------|
| Arun Baburao Chavan           | ... | Applicant   |
| Vs.                           |     |             |
| 1. The State of Maharashtra   |     |             |
| 2. Senior Inspector of Police | ... | Respondents |

Mr. R.N. Kachave, Advocate for the applicant.  
Mrs. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE: **6<sup>th</sup> January, 2017.**

**P.C.:**

This Application is moved by the applicant/accused for bail, as he is facing prosecution for the offences punishable under sections 3, 4 & 7 of the Prevention of Immoral Trafficking Act, 1956 and under section 370 of the Indian Penal Code in C.R. No. 3099 of 2015 registered with Karad City Police Station.

2. The police received information that he is owner of Ganesh Lodge and running a brothel in the said lodge. Pursuant to the said information, the police raided the premises on 14<sup>th</sup> May, 2015 and they found that the information was correct. Four females were present there and were available for prostitution alongwith some customers. The applicant/accused was arrested on 28<sup>th</sup> May, 2015. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant is in prison since last 1½ year. He has no criminal record. He also submitted that the girls who were found at the time of raid are all major and were not forced to do the prostitution. Hence, the learned counsel prays for bail.

4. Learned APP opposed this Application. She relied on the order passed by the learned Sessions Judge rejecting the Bail Application of the applicant/accused. Learned APP submitted that in fact in this case, Section 5 of Prevention of Immoral Trafficking Act should have been invoked by the police and that can be also done subsequently.

5. Perused the FIR and the documents placed before me. Apparently there is evidence that the applicant/accused was running a brothel in his lodge. Four victims were found at the time of raid, however, none of them is minor. They all are above 21 years old. Perused their statements, in which they have not stated that they were forced or induced to go for prostitution by the applicant/accused. Considering the submissions of learned counsel for the applicant and the learned APP, I allow this Application on the following terms and conditions:

### **ORDER**

- (i) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.50,000/- with one or two sureties in the like

amount;

- (ii) The applicant shall not indulge into any offence much less the offence or activity under Prevention of Immoral Trafficking Act,
- (iii) The applicant shall attend all the Court dates.
- (iv) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- (v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Sessions Court for cancellation of bail.

6. The Application for bail stands disposed of on above terms.

**(MRIDULA BHATKAR, J.)**