

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2289 OF 2016

Shobha Ramesh Gamladu

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rajendra Mokashi Advocate for Applicant.

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

Mr. N. R. Jadhav, API MFC Police Station, Kalyan.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 10th JANUARY, 2017.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 08/07/2016 in crime no. 267 of 2016 registered at Mahatma Phule Chowk Police Station. Investigation is completed and charge-sheet is filed against the present applicant for offence punishable under section 370 (2) (3) of the Indian Penal Code and under section 3, 4 & 5 of the Immoral Traffic (Prevention) Act, 1956.

2) It is the case of the prosecution that on 08/07/2016, on the basis of secret information, police along with the members of social service branch

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had raided the premises of hotel Dukes Plaza from where they had rescued two girls.

3) The statement of the victim girls who had just completed 18 years was recorded. They had disclosed to the police at the relevant time that their mother was known to the present applicant. That one day they had received the phone call from one person who had disclosed to the victims that their cellphone number was given by the present applicant. They were called at a particular place. The victims were going through financial stringency. The economic condition of their family was very poor. Taking advantage of the said situation, applicant is alleged to have disclosed to them that she could get them out of financial stringency in the eventuality that they enter the profession of prostitution. Since they needed money, they decided to accompany her and voluntarily obliged her.

4) This is the first offence registered against the applicant under the provisions of PITA Act. Taking into consideration the gravaman of the statement victims and more particularly the fact that they had voluntarily accepted to enter into the profession of prostitution, it cannot be said that the applicant had forced them or coerced them to enter into the said profession.

There is no material to indicate that the victims were detained by the present applicant in any manner. Hence, 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. 50,000/- with one or more local solvent sureties in the like amount.
- (iii) Applicant shall not leave Bombay, Thane and Palghar without prior permission of the Court.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)