

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

CRI. BAIL APPLICATION NO. 2569 OF 2016

Sohar Sona Yadav	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr. P.R. Dave, Advocate for the Applicant.
Mr. Ameet Palkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 14, 2017.

P.C. :

This is an application for bail. The offence is registered with Nerul Police Station vide C.R.No.I-293 of 2016 for the offences punishable under Sections 370, 372, 373 read with Section 34 of the IPC and Sections, 3, 4 and 5 of the PITA Act.

2 The applicant was arrested on 23rd July, 2016. It is the prosecution case that secret information was received about the prostitution activities in the premises mentioned in the complaint. Accordingly, with the help of bogus customer, a raid was conducted in the said premises. During the course of the said raid, five girls came to be rescued and the applicant was arrested

in the said crime. In pursuant to that, investigation has been conducted and charge-sheet has been filed. The applicant preferred an application for bail in the Sessions Court which was rejected.

3 The learned advocate for the applicant submitted that all the girls found in the premises are major and they were allegedly indulging into the activities as per their wish and, therefore, Section 5 of the PITA Act as well as Sections 372 and 376 of IPC are not attracted. He further submitted that according to the prosecution, one of the victim girl namely Dulali Shabikul Khan is minor. It is submitted that there were no allegations of wrongful confinement. In her statement under Section 161 of Cr.P.C. she has stated that she does not remember her date of birth. The said victim has been repatriated to Bangladesh. Her statement has been recorded under Section 164 of the Cr.P.C. on 10th March, 2017. He submitted that the said statement has been recorded purportedly after filing of the charge-sheet. The earlier statement of the said victim was recorded by the police which forms the part of the charge-sheet. He submitted that there is variation in the version of the said witness in both the statements and, therefore, it is difficult to accept her contention about the

alleged act or even with regard to her age. He, therefore, submitted that the applicant is in custody from the date of arrest. The learned counsel also submitted that the applicant is suffering from serious ailment and he is admitted in ICU at J.J. Hospital since 9th June, 2017. There are no criminal antecedents against him and he may be released on bail.

4 Learned APP strongly opposed the application for bail. He submitted that the applicant was involved in the said crime which is evident from the statements of witnesses. He submitted that Section 370 is clearly attracted in this case.

5 I have perused the documents on record. The applicant is in custody from 29th July, 2016. The investigation is completed and the charge-sheet is filed. Four victim girls who were found indulging into alleged activities were major and according to the prosecution one of the girl was minor. In any case, further custody of the applicant is not required as the charge-sheet is already filed. There are no criminal antecedents against the applicant.

6 In view of the aforesaid circumstances, I am inclined to allow this application.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2569 of 2016 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.I-293 of 2016, registered with Nerul Police Station, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more solvent sureties from the State of Maharashtra in the like amount;
- (iii) The applicant is directed to attend Nerul Police Station, once in a fortnight on first Saturday between 10.00 a.m. to 12.00 noon, till further orders;
- (iv) The applicant shall not tamper with the prosecution witnesses;

- (v) The applicant shall not leave the jurisdiction of this Court without obtaining prior permission from this Court;
- (vi) Criminal Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)