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

BAIL APPLICATION NO. 577 OF 2018

Anil Vasant Kelaskar	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

Mr. Shekhar Ingawale for the Applicant.
Ms. P. P. Shinde, APP for the Respondent.

**CORAM : V. L. ACHLIYA, J.
(VACATION COURT)**

DATE : 15th MAY, 2018.

P. C. :

1. Heard the learned Counsel for the Applicant and learned APP for the Respondent-State.
2. The applicant is apprehending arrest in connection with the offences registered under Sections 3, 4, 5, 6, 7 of the Protection of Women from Immoral Traffic Act and Section 370 of the Indian Penal Code vide C. R. No. 312 of 2017 with Vadgaon Police Station, District Kolhapur preferred this application for release on bail.
3. In short, it is the contention of the learned Counsel for the applicant that there is no evidence to connect the applicant with the commission of offence registered against him. He submits that the applicant is the owner

of the lodge where the raid was conducted and the co-accused Nos.1 to 4 found to be running prostitution racket. It is contended that at the time of conducting raid, the applicant was not present. The applicant has taken the lodge on rent. The accused Nos.1 to 4 in the case are already released by the Sessions Court vide order dated 21.11.2017 passed in Criminal Bail Application No. 670 of 2017 and Criminal Bail Application No. 673 of 2017. Investigation is completed and charge-sheet is already filed. The offences for which the applicant is charge-sheeted are not punishable with life or death. Maximum punishment provided is not more than 7 years. In this background, the learned Counsel submits that considering the overall nature of the offence registered, the evidence relied against the applicant, maximum sentence provided for offence charged and further the investigation is completed, the applicant deserves to be released on bail. He further submits that the applicant also deserves to be released on bail on the ground of parity.

4. On the other hand, learned APP opposed the application with contention that there is evidence to connect the applicant with the offence for which he has been charge-sheeted along with co-accused. Learned APP has fairly conceded that the co-accused are already released on bail and the investigation is completed.

5. On due consideration of submission advanced in the light of the

nature of the offence, the accusation against the applicant, maximum sentence provided for the offence with which the applicant is charged and the investigation is over, I am of the view that the case is made out to entertain the applicant. So also the applicant also entitled to be released on bail on the ground of parity as the main accused are already released on bail by the trial Court. It will take long time to proceed with the trial. The purpose of keeping the accused in custody is primarily to secure the presence of the accused for trial. It is nowhere case of the prosecution that the applicant is having criminal antecedent and in the event of his release on bail, the applicant may abscond or tamper with the prosecution evidence.

6. Thus, on due consideration of the broad principles to be kept in mind while dealing with the application seeking release of the applicant on bail, I am of the view that the case is made out to allow the application. Hence, the following order:

ORDER

(a) The Criminal Bail Application No. 577 of 2018 is allowed in terms of prayer clause (a).

(b) The applicant be released on furnishing bail in the sum of Rs.25,000/- with one or two sureties in the like amount on following conditions:

(i) The applicant shall attend Vadgaon Police Station once

in a month i.e. on the last date of the each month in between 10.00 a.m. to 11.00 a.m. to record his presence till the conclusion of the trial.

(ii) The applicant shall not indulge into any act amounting to tampering prosecution witnesses.

(iii) Till conclusion of the trial, the applicant shall not leave Kolhapur District without seeking prior permission from the trial Court.

(iv) The applicant shall furnish the names and addresses of his three close relatives with their phone numbers.

(v) Bail to be furnished in trial Court.

[V. L. ACHLIYA, J.]