

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

BAIL APPLICATION NO.578 OF 2018

Pushparaj Krushna Rai & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr. veerdhaval Kakade for the Applicants.

Mr. Rajan Salvi, APP for the State.

Mr. S.B. Kharat, HC, Narayangaon Police Station.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 28th June, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicants herein are arrested on 23rd October 2017 in Crime No.321 of 2017, registered at Narayangaon Police Station, for the offences punishable under Sections 370 (3)(A), 371, 341, 366-A of Indian Penal Code, Sections 3, 4, 5, 6 and 7 of The Immoral

Traffic (Prevention) Act and Sections 4, 8 and 12 of Prevention of Children from Sexual Offences Act.

3 It is the case of the prosecution that on the basis of the secret information, the police had raided the premises of Viraj International Lodge at Narayangaon. While effecting raid, the police had rescued five girls, out of which two were minor. It was seen that the victims had been asked to conceal themselves in the kitchen. The police were informed that Vijay Gauda and Mahesh Gauda run the said lodge on rent basis. It is alleged that the said girls were victims of human trafficking. The applicants herein were working in Viraj International Lodge at Narayangaon. The specific allegation against the present applicants is that they had helped them in forcing the victims to prostitution. The owners of the lodge are enlarged on bail by this Court on the ground that he has no knowledge that hotel premises were being used for illegal and immoral purposes.

4 Learned counsel for the applicants submits that the applicants belonged to economic backward class and they are all original residents of Karnataka state and had come to Maharashtra in search of service and were employed in Viraj International lodge. Learned counsel for the applicants submits that in fact the applicants had no role in forcing the victims to prostitution.

5 The applicants herein have given an undertaking-cum-affidavit contending therein that in the eventuality that they are released on bail, they would reside in Maharashtra state and that they would attend all the dates at the time of trial and also report to Narayangaon police station. The undertakings are taken on record and marked as Article "X" collectively for the purpose of identification. This Court is hopeful that the applicants would abide by their undertakings. In view of this, the applicants deserve to be enlarged on bail.

6 The observations are restricted to the application under Section 439 of Cr.P.C. and shall not be taken into consideration for

the purpose of discharge application or at the time of trial. Hence,
the order :

ORDER

- i) The application is allowed.
- ii) The applicants be enlarged on bail on furnishing P.R.
bonds in the sum of Rs.30,000/- with one or more solvent sureties in
the like amount.
- iii) The applicants shall abide by the undertakings. Upon
failure to attend any two consecutive dates before the trial court, the
prosecution would be at liberty to file an application under Section
439(2) of Cr.P.C.

(*Smt. Sadhana S. Jadhav, J*)