

Dond

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

BAIL APPLICATION NO.1153 OF 2018

VISHWAJIT @ RAJU (RAJESH) KISHORIMANDAL
BISWAJIT KISHORIMANDAL

..APPLICANT

Vs

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ashish S. Gaikwad a/w Bhavna R. Khichi for applicant.
Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 9th August 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I-156 of 2017 dated 6.9.2017 registered with Palghar Police Station, Palghar under sections 370(A), 370(3), 376, 328, 506 of the Indian Penal Code, under sections 4 and 5 of Prevention of Immoral Traffic Act (PITA Act) and under sections 4, 6, 8 and 12 of Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The first information report is lodged by the victim herself alleging that, she was resident of Bangladesh and was induced by the co-accused to come to India to work as a dancer in Dance-Bar. That she was subsequently lured to indulged into the vocation of prostitution by the other co-accused. It is alleged that, the applicant acted as agent of the victim ladies in the said racket of prostitution and was earning his livelihood from the said vocation. That subsequently the prosecutrix came into contact with another agent namely Samrat Shaikh and under his directions she left the company of the applicant and shifted to Nerul, Navi Mumbai. During the course of investigation, the applicant came to be arrested on 16th September 2017 and after completion of investigation, the police have submitted chargesheet.

4] The victim ladies who were major at the time of lodgment of first information report, in their statements have stated that, the applicant used to act as their agent and under the instructions the co-accused Deepak the said victims were directed to entertain the customers by accepting money.

5] After perusing the entire chargesheet, this Court is of the view that, the role attributed to the present applicant is that he acted as an agent

of the victims and there is no allegation against him of forcibly inducing any minor victim in the said trade, though the police in the present crime rescued some minor victim girls.

6] In view thereof, the applicant can be released on bail.

Hence, the following Order:

i] Applicant be released on bail in CR No.I-156 of 2017 registered with Palghar Police Station, Palghar on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the Palghar Police Station, on every first Monday of the month between 11.00 a.m and 1.00 p.m.

iii] Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)