

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Ramdas K. Balagaonkar ...Applicant.
vs.
The State of Maharashtra ...Respondent.

CORAM : A.S.GADKARI, J.
DATE : 6th August, 2018

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. I-353/2017 dated 15.8.2017 registered with Kolsewadi Police Station, Kalyan, District Thane under Sections 370(2)(3)(4), 366(A), 372, 376, 467, 468, 471 read with 34 of the Indian Penal Code, under Sections 3,4,5 and 7 of Immoral Trafficking (Prevention) Act and under Section 4,8,12 of the Prevention of Children from Sexual Offences Act.
2. The prosecution case in brief is that, after receipt of specific information, the Investigating agency conducted raid at Hotel Relax Garden NX Lodging and Boarding at Village Pisavali, Malang Road, Nandivali Naka, Taluka Kalyan and found certain victims-ladies were indulging into the vocation of

prostitution. That one of the victim was minor and therefore, provisions of POCSO are applied to the present crime.

It is the case of the prosecution against the applicant that the applicant is the conductor of the said alleged lodge/hotel and living on the earnings from the vocation of prostitution. During the course of investigation the applicant came to be arrested on 24.3.2018 and after completion of investigation the police have submitted charge sheet.

3. The record indicates that co accused who were found at the scene of offence and were actually indulging into commission of the present offence have been released on bail by the Trial Court. The document i.e. Agreement for conducting the said lodge/hotel is in the name of the applicant. It is the case of the applicant that, he further gave the said lodge for conducting it to Shri. Harish Shetty and Vijay Shetty and the said two persons were found on the date of conducting the raid. As noted earlier, the applicant is in Jail since 24.3.2018. The police have already completed the investigation and filed charge sheet.

5. After taking into consideration the role attributed to the applicant this Court is of the view that, no fruitful purpose will

be served by further keeping the applicant in incarceration and the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.I-353/2017 dated 15.8.2017 registered with Kolsewadi Police Station, Kalyan, District Thane now culminated into Special Case No. 128/2017 pending on the file of Special Judge, District and Sessions Court, Kalyan, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 10.00 a.m. to 1.00 p.m.
- c) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)