

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1533 OF 2018**

Jyoti Santosh Kattimani. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Yuvraj Gharat I/b. Mr. Vijay Killedar, advocate for applicant.

Mr. Y.Y. Dabake, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 11, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 13/5/2018 in Crime No. 187 of 2018 registered at Vishrambag Police station for offence punishable under section 370 of the Indian Penal Code and sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. Investigation is completed and charge-sheet is filed against present applicant for offence punishable under section 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956.

Talwalkar

3 It is the case of the prosecution that one on the basis of the secret information, the police had conducted raid in Gokul Nagar, Lane No. 3. One Abraham Hegade working for Undpin Freedom Firm Society lodged a report at the police station wherein it is alleged that the applicant was conducting brothel and that they were attracting customers. The police had rescued two women who were about 25 to 26 years old. Their statements were recorded.

4 One of the rescued woman had disclosed that prior to reaching the house of the present applicant, she was into prostitution at Sangli, thereafter at Miraj with two other women and then she had travelled to he house of the present applicant. She had voluntarily been to the house of the present applicant and had offered to work for her. That She was not paid properly. The other woman who was rescued also gave similar statement.

5 There are no criminal antecedents. The witnesses have disclosed that they had walked into the brothel of the present applicant. There were no other women. In view of this, the applicant deserves to be enlarged on bail.

6 This is a peculiar case where the investigation is practically

Talwalkar

conducted by the Social Worker. The secret information was given to the police by the social worker. They have provided decoy witness and other witnesses. The FIR has also been lodged by the Social Worker. In fact, it was the responsibility of the police department to lodge the FIR and take the investigation into their hands. Such practice is deprecated.

7 The observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge application or at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]