

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1788 OF 2018

Rameshchandra Gajanan Tiwari, Age 50 years,
R/o.Room No.A/302, Bhagyashri Apartment,
Near Rahul International School,
Nallasopara (E), Tal.Vasai, Dist.Palghar.
Permanent r/o.Mahathua, Post Aurai,
Dist.Bhadohi, U.P.
Presently lodged in Thane Central Jail.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep S. Patil for applicant.
Ms.A.A.Takalkar, APP, for State.
Ms.Rekha Patil, PSI, Tuling Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th September 2018

PC :

1. This is an application for bail in connection with CR No.I-654 of 2018 registered with Tulinj Police Station, District Palghar for offences punishable under Sections 370 r/w Section 34 of Indian Penal Code, and under Sections 4 and 5 of Prevention of Immoral Trafficking Act ('PITA Act').

2. The prosecution case is that on 14th June 2018 information regarding prostitution racket was received by the complainant. Accordingly the complainant informed the police officials and trap was arranged. The person disguised as bogus customer visited the place of incident. The applicant is the manager of brothel where the

alleged racket of prostitution was being carried out. When the raiding party raided the premises, the applicant was found at the said place. Rs.500/- were recovered from the drawer of counter where the applicant was found conducting the business as manager of brothel.

3. The FIR was lodged on 15th June 2018. The applicant was arrested on 15th June 2018. Investigation is completed and charge sheet is filed. Learned advocate for applicant submits that further detention of the applicant is not necessary as the investigation is complete and charge sheet is filed. The applicant is in custody from 15th June 2018. There are no criminal antecedents against him. The role attributed to the applicant is that he was the manager of the premises where alleged act of prostitution was being carried on. The case of the prosecution is that the act of procuring women for prostitution was being conducted by Mr. Kumar who was bringing the customers to the said lodge for prostitution and making the women available for the customers. It is submitted that the statements of two women who were found at the place, were recorded and they were found to be major. It is submitted that the said victims had not stated that they were forced into the prostitution by the applicant. It is submitted that Section 5 of PITA Act would not be applicable to the applicant, however, it would be at most applicable to the co-accused Kumar who had escaped from the scene of offence. Learned APP submitted that the prostitution racket was being conducted at the lodge where the applicant was working as manager. He was aware about the alleged activities and was party to the commission of offence. The statements of victims recorded during investigation fortify the allegation that they were into

prostitution at the said brothel. Rs.500/- was recovered from the counter of brothel which was allegedly given by the customer.

4. I have perused the FIR and other documents. The statement of victim Priti Pandey refers to the fact that she was acquainted with Kumar who induced her to indulge in prostitution. The statement of Roza Shaikh also mentions about the involvement of Kumar as the person who introduced her into the prostitution. Thus, evidence on record indicate that the applicant was acting as a manager at the said brothel and primary role of providing women for prostitution and introducing them to indulge into said activities is attributed to co-accused Kumar who is absconding. The investigation is completed and charge sheet is filed. The women who were found at the scene of offence were major. The statement of the victim does not state that the applicant had forced them to indulge into the prostitution at the said brothel. There are no reported criminal antecedents against the applicant. It is submitted that the applicant is married person and residing with his family at Nallasopara although he is permanent resident of Uttar Pradesh.

5. In the circumstances, I pass following order :

ORDER

- (i) Criminal Bail Application No.1788 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-654 of 2018 registered with Tulinj Police Station, District Palghar, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall attend the investigating officer of Tulinj Police Station once in a month on every first Monday between 10 am and 12 noon till further orders;
- (iv) The applicant shall not tamper with the evidence;

(PRAKASH D. NAIK, J.)

MST