

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 1853 of 2018.

Dashrath Modi Yadav

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr. Veer Dhaval Kakade, for the Applicant.

Mr. S.R. Agarkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 4TH SEPTEMBER, 2018

P.C:-

1) This is an application for bail under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant, who is arrested in C.R.No. 321 of 2017 registered at Narayangaon Police Station, District Pune for offences punishable under sections 370 (3) (A), 371, 341, 366-A of the IPC read with section 3, 4,5,6 and 7 of the Immoral Traffic (Prevention) Act and Sections 4,8 and 12 of the Prevention of Children from Sexual Offences Act.

2) Heard Mr.Kakade, learned counsel for the applicant and Mr. S.R.Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

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. They had rescued five girls, among whom two were minor. The applicant herein was apprehended as he was working as a waiter in the said lodge. It is alleged that the applicant used to take the victim girls to the customers for prostitution.

4) The learned counsel for the applicant submits that the applicant who belongs to Economic Backward Class was only working in the said hotel and that he was not aware that the girls were victims of human trafficking. He submits that the applicant had not forced the victims in prostitution. The learned counsel for the applicant submits that the applicant shall file affidavit-cum-undertaking before the trial Court stating that in the event that he is released on bail, he would reside in Maharashtra State and that he would attend all the dates at the time of trial and also report to Narayangaon Police Station as and when directed.

5) The applicant was working as waiter. The Manager of the said hotel against whom similar allegations are made has been released on bail by this Court vide order dated 28th June, 2018 in B.A. No.578 of 2018. Considering the said fact, in my

considered view, the applicant is also entitled for bail on the ground of parity.

6) Hence, the application is allowed on the following terms and conditions:-

(i) The applicant be released on bail in Crime No. 321 of 2017 registered at Narayangaon Police Station, District Pune on his furnishing bail bonds of Rs. 30,000/- with one or more solvent sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Khed-Rajgurunagar, District Pune.

(ii) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

(iii) The applicant shall report to the Narayangaon Police Station on first Monday of every month until further orders.

(iv) The applicant shall file his affidavit-cum-undertaking before the trial Court giving his permanent and temporary addresses, if any, where he proposes to reside during pendency of the trial. The applicant shall also furnish his contact details to the Court of Additional Sessions Judge, Khed-Rajgurunagar as well as to the

Investigation Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant to co-operate with the conduct of the trial.

Application is allowed in the aforesaid terms and is accordingly disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)