

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

CRIMINAL BAIL APPLICATION NO. 1868 OF 2018

1. Nilesh Suryakant Deshpande
2. Shiv Govind Singh ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Niranjan Mundargi I/b. Abdul Latif Chaudhari for the Applicant.
Mr. S.R.Agarkar APP for the Respondent/State.
Mr. Narendra Munde PSI Kothrud Police Station, Pune City.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 07, 2018.**

P.C.

1. This is an application for bail under Section 439 Cr.P.C. filed by the applicants abovenamed who are facing trial before the Addl. Sessions Judge, Pune, in case arising from C.R.No.I-106 of 2018 registered with Kothrud Police Station, Pune for the offences under Section 370, 370A IPC r/w. 3, 4, 5 and 6 of Immoral Traffic Act.

2. Heard Mr.Niranjan Mundargi, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. Perused

the records.

3. The aforesaid crime was registered pursuant to the FIR lodged by Sheetal Bhalekar. A perusal of the FIR prima facie reveals that the police personnel from Social Protection Branch had received information that the applicant was running prostitution in flat No. T-303, Wonder Future Phase-i, Near Dukkar Khind, Kothrud Pune. Hence, they arranged for a decoy customer. He was given Rs.5000/- to be paid to the applicants. The decoy visited the flat. It is alleged that the applicants were present in the flat along with one foreign national lady, who was brought for the purpose of prostitution. The decoy paid Rs.5000/- to the applicants. On getting the pre-arranged signal, the police raided the flat and rescued the foreign national.

4. The statement of the victim prima facie reveals that she is a national of Uzbekistan and that she had visited India on e-tourist Visa. The statement of the victim, who is 40 years of age, does not prima facie indicate that she was trafficked or forced into prostitution. The learned APP also concedes that there is no prima

facie material to indicate that any minor girl was trafficked and or was involved in prostitution. Furthermore, the applicants are permanent residents of Pune and there are no chances of their absconding or thwarting the course of justice. Considering the above facts and circumstances, and also considering the fact that the applicants are in custody since 20th April, 2018 and that the investigation is complete, in my considered view, this is a fit case for grant of bail. Hence the application is allowed on following terms and conditions:-

- (i) The applicants abovenamed who are arrested in Crime No.I-106 of 2018 registered with Kothrud Police Station, be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) each with one or two local solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Pune.
- (ii) The applicants shall report to the Kothrud Police Station on the first Monday of every month until further orders.
- (iii) The applicants shall not tamper with the evidence in any manner.

(iv) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer and in the bail bond.

(v) The applicants shall not change their residential address without prior intimidation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)