

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

BAIL APPLICATION NO. 1914 OF 2018

Uma Datta Wade @ Uma Ramchandra PawarApplicant
V/s.

The State of MaharashtraRespondent

Mr. Ritesh Thobde for the applicant in BA 1914/2018.

Mr. V.V. Purwant for the applicant in BA 1877/2018.

Mr. Ujwal R. Agandsurve for the applicant in BA 1947/2018.

Mrs. J.S. Lohokare, APP for the State.

Mr. P.P. Masal, API Viju Purnaka Police Station, Solapur City, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.230/2018 registered at Vijapur Naka Police Station, District Solapur for offences punishable under sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act and under section 370(1), 370(2), 370(3), 370(A)(1), 370(A)(2) of the Indian Penal Code and under sections 4, 16, 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Ritesh Thobde, learned counsel for the applicant and Mrs. J.S. Lohkare, APP for the State. I have perused the records and

considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie indicate that the Assistant Police Inspector – Prakash Pandurang Masal of Vijapur Naka Police Station had received specific information about prostitution racket that was being operated in the premises at Plot No.11, Waman Nagar, Jule, Solapur. The first informant procured a dummy customer and they went to the brothel wherein prostitution was allegedly going on. They raided the place, rescued the three victims and arrested the applicant and the co-accused.

4. The statement of one of the victims who is a minor girl prima facie reveals that earlier there was a raid at Sai Hotel and she and her friend were rescued by the Police. She was kept at Sangli whereas her friend was kept at “Asha Kiran Mahila Vasuti Gruha, Karad”. She has stated that her mother had obtained her custody. One Shabnam had also sought custody of the other victim. Thereafter, her mother had taken her and the others to the house of the present applicant at Solapur for the purpose of prostitution. Her statement clearly indicates that her mother/Archana as well as the applicant and Shabnam had forced her into prostitution.

5. The records prima facie show the involvement of the applicant in commission of the crime. The seriousness of the crime does not justify grant of bail. Furthermore, the records prima facie indicate that despite being rescued earlier, the victim girl who is about 14 years of age, was once again pushed into prostitution. Considering the fact that the custody of the said minor girl is presently handed over to her grandmother, the possibility of the applicant influencing the victim and/or again trapping her in the sex racket cannot be ruled out.

6. Considering the above facts and circumstances, I am not inclined to grant bail to the applicant. Hence, the Bail Application is dismissed.

7. At this stage, Mr. Ritesh Thobde, learned counsel for the applicant submits that the applicant is having medical ailment. Mrs. J.S. Lohokare, learned APP submits that at present this applicant is housed at Solapur Jail. The Superintendent of Solapur Jail is directed to take applicant to the hospital and provide her all requisite medical treatment.

8. Suffice it to say that the observations are prima facie in nature and shall not be construed as an expression of opinion on merits.

(SMT. ANUJA PRABHUDESSAI, J.)