

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1940 OF 2018

HariPrasad Anand Yadav @ Shetty ... **Applicant**
V/s.

The State of Maharashtra ... Respondent

Mr.Aniket Nikam i/b. Mr.Aashish Satpute, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent/State.

Mr.Jagdish M. Bangar, PSI, Kashmirira Police Station is present in person.

CORAM : PRAKASH D. NAIK J.

DATED : 19th DECEMBER 2018.

P.C. :

1 This is an application for bail in Crime in I-358 of 2017
registered with Kashimira Police Station for the offences
punishable under Section 370(3) read with Section 34 of the
Indian Penal Code as well as under Sections 3,4,5 and 6 of the
Immoral Traffic (Prevention) Act, 1956 and under Sections 16 and
17 of the Protection of Children from Sexual Offences Act, 2012.

2 It is the case of prosecution that on 16/07/2017, the
complainant was given information that some immoral trafficking

activities are going on at Sai Residency Lodge at Kashimira. The complainant called two panchas and along with panchas and decoy raided the Sai Residency. The decoy customer then asked for the girl and the Manager of the Sai Residency collected the amount. The raiding party then entered in the premises. It is alleged that six victim women were found at the place on the incident indulging in prostitution act. Their statements were recorded. On completion of investigation, charge-sheet has been filed. Charge-sheet contains statements of six female victim. In their statements, they have mentioned that they are major by age.

3 The learned Counsel for the applicant submitted that all the victim, whose statements are recorded does not allege that they are enticed, exploited or forced to indulge in activities of prostitution by the applicant. He further submitted that provisions of Section 370 (3) is not applicable to the case in hand. The statements of female victim under Section 161 of the Code of Criminal Procedure also did not allege exploitation as required for invoking the provisions of Section 370(3) of the Indian Penal Code. It is further submitted that radiological examination of all the victims was carried out and age of one of the victim was determined between 17 to 18 years. The learned Counsel for the applicant pointed out statement of the said victim recorded under section 161 of the Code of Criminal Procedure, she has stated that she is aged about 23 years of age and is a married woman. It is

not stated that she was forced to be prostitution. The radiological test indicates that she is on boundary line of being major.

4 The learned Additional Public Prosecutor submitted that applicant is a Manager in the said Hotel. One of the victims whose statements were recorded is minor which is evident from the radiological test carried out by doctor.

5 I have perused the documents on record. The statements do not attribute exploitation or inducement by the applicant or any other person. The statements of four victims were recorded. They have mentioned their age in their statements being major. Even radiological test carried out indicates that three victims were of major age and the fourth victim was between 17 to 18 years age. The applicant is in custody from the date of arrest. There are no criminal antecedents against the applicant. Investigation is completed and charge-sheet is also filed.

6 In the circumstances, case for grant of bail is made out. Hence, the following Order :

ORDER

- (i) Bail Application No.1940 of 2018 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with Crime No.I-358 of 2017 registered with

Kashimira Police Station for the offences punishable under Section 370(3) read with Section 34 of the Indian Penal Code as well as under Sections 3,4,5 and 6 of the Immoral Traffic (Prevention) Act, 1956 and under Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 on furnishing PR Bond of Rs.25,000/- and on furnishing one or more sureties in the like amount ;

- (iii) The applicant shall report the concerned Police Station once in month on every first Friday of each month between 11.00 a.m. and 12.00 noon till further Orders;
- (iv) The applicant shall not tamper with the evidence and shall attend trial Court proceedings regularly, unless exempted by the Court for some reason.
- (v) The application is disposed of accordingly.

(PRAKASH D. NAIK J.)