

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

BAIL APPLICATION NO. 2763 OF 2017

Jyotiba Moru Patil.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. V.V. Purwant i/b. Mr. Vaibhav R. Gaikwad, advocate for Applicant.

Ms. Veera Shinde, APP for State.

Mr. Sitaram Bajrang Waghmare, Police Havildar, Satara City Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 26/8/2017 in Crime No. 690 of 2017 registered at Satara City Police Station. Investigation is completed and charge-sheet is filed against the

applicant and others on 21/10/2017 for offence punishable under section 370(i)(ii) read with section 34 of the Indian Penal Code and section 4, 5 and 6 of the Prevention of Immoral Trafficking Act.

3 It is the case of the prosecution that on the basis of secret information the police had raided premises of the present applicant wherein he was found present alongwith his wife Nilofer and Shital Kumbhar and one boy who is shown as son of the applicant. Statement of Shital was recorded on 25/8/2017 and her statement under section 164 of the Code of Criminal Procedure, 1973 was recorded on 8/9/2017. She has disclosed that she was deserted by her husband. She had allegedly got married with Ajitkumar Arge in temple. Couple could not meet both ends and therefore, she had asked some of her friends to look for job for her. On 7/7/2017 she was introduced to one Pooja who had assured her that she would look for a job. Pooja had referred her to one lady namely Nilofer. That Nilofer had disclosed to Shital that she is indulging in prostitution. That her husband gets customers for her. They had induced Shital to

enter into the said profession and had made her to stay with them. She was being sent to hotels and that the applicant was getting customers. She has specifically stated that the applicant and his wife Nilofer were living at her cost and did not give any remuneration as agreed. She continued to stay with them only in order to get back the remuneration to the tune of Rs. 8000 to Rs. 9000/-.

4 The learned APP upon instructions submits that the applicant has no criminal antecedents. Statement against the applicant is that of Shital Kumbhar. No other victim has approached the police till today. That the investigation is completed and charge-sheet is filed. It appears that Shital was fully aware of the activities of the present applicant and his wife and yet continued to stay with them.

5 Taking into consideration the material against the applicant and the submissions advanced across the bar and the fact that the charge-sheet is filed, this Court is of the opinion that the applicant deserves to be enlarged on bail.

6 However, the observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall mark his presence before Satara City Police Station on 1st Sunday of each month till framing of charge. Upon failure to attend two consecutive dates, the prosecution is at liberty to

file application under section 439(2) of the Code of Criminal Procedure, 1973.

(iv) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)