

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

BAIL APPLICATION NO. 2773 OF 2017

Asif Abdulrahiman Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

**WITH
BAIL APPLICATION NO. 2805 OF 2017**

Santosh Uttam Londhe. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

**WITH
BAIL APPLICATION NO. 2772 OF 2017**

Mainabai @ Sangita Pandurang Bhujbale.... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Viresh V. Purwant, advocate for applicant in BA 2773/17 AND 2772/17.

Mr. Rushikesh Kale i/b. Mr. Priyal G. Sarda, advocate for applicant in BA 2805/17.

Mr. S.H. Yadav, APP for State in BA 2773/17 & BA 2772/17.

Mr. N.B. Patil, APP for State in BA 2805/17.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 16, 2018

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 These are applications under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 3/11/2017 in Crime No. 462 of 2017 registered with Tembhurni Police Station, Solapur for offence punishable under section 370 read with section 34 of the Indian Penal Code and 3, 4, 5 and 7 Immoral Traffic (Prevention) Act, 1956.

3 It is the case of the prosecution that on the basis of secret information, Tembhurni Police had raided hotel Jagadamba Lodging and Boarding. It had transpired that the hotel premises were frequently used for prostitution. The applicant Asif Shaikh was the manager of the said hotel. At the time of raid, the applicant Mainabai @ Sangita was also at the counter. Two girls were rescued in the said

raid. Their statements were recorded. According to them, they were passing through a state of economic stringencies. The applicant Mainabai @ Sangita had induced them into prostitution and applicant Santosh Londhe used to carry the said victim from their houses to Jagadamba Lodge whenever their services were requisitioned by Sangita.

4 The learned APP submits that investigation is almost completed and the charge-sheet is likely to be filed.

5 It is pertinent to note that the victims whose services were solicited are major. Both of them were married and were abandoned by their husband. They used to work on daily wages. The mother of one of the victim was suffering from Kidney dysfunction and she could not afford medicine and at that stage, Sangita had induced her to enter into prostitution and used to call her on hotel Jagadamba. The applicants have no criminal antecedents.

6 From the perusal of the statements, it appears that both the victims had agreed to oblige the accused persons. As far as the applicant Santosh Londhe is concerned, he was plying rickshaw and used to carry the passengers, i.e. the victims to Hotel Jagdamba. Hence, it cannot be said that he could be prosecuted under provisions of PITA. Thus, the applicants have made out a case for grant of bail.

7 However, it is made clear that the observations made hereinabove are prima facie in nature and are restricted to an application under section 439 of the Code of Criminal Procedure, 1973. The trial court shall not be influenced by the same while deciding the application for discharge or at the time of trial.

8 Hence following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicants in Criminal Bail Application Nos. 2773 of 2017 and 2772 of 2017 be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.

(iii) The applicants in Criminal Bail Application Nos. 2773 of 2017 and 2772 of 2017 shall not reside in Tembhurni till 31/12/2018.

(iv) The applicant in Criminal Bail Application No. 2805 of 2017 be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(v) The applicants shall not tamper with the evidence.

9 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)