

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2843 OF 2018

Manish Suresh Yadav, Age 24 years, R/o.Kentuva, Tal.Chopara, Hazaribaug, Jharkhand.	Applicant
versus	
The State of Maharashtra	Respondent

AND

CRIMINAL BAIL APPLICATION NO.184 OF 2019

1. Ghahshyam Paswan, Age 30 years, R/o.Pipra, Tal.Itkori, Chatra, Jharkhand.	
2. Pintu Nirmal Saw, Age 27 years, R/o.Pipra, Tal.Itkori, Chatra, Jharkhand.	
3. Nadeem Shabbir Salmani, Age 45 years, R/o.G/1, 302, Chandra Vihar Society, Nupul, Mira Road, Thane.	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Prashant Pandey I/by Siddharth Jaiswal for applicants.
Mr.A.R.Kapadnis, APP, for State.
Mr.Ashok Sawant, Police Inspector, Juhu Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February 2019

PC :

1. The applicants in both these applications are seeking bail under Section 439 of Cr.P.C in connection with CR No.315 of 2018 registered with Juhu Police Station, Mumbai for offences under Sections 370(2), 370(3), 308 r/w 34 of Indian Penal Code and Sections 3,4,5,6,7(1)(b) of Prevention of Immoral Trafficking Act. The applicants were arrested on 14th July 2018.

2. The case of prosecution is that secret information was received that alleged prostitution activity is being conducted at bungalow no.229, Juhu market, Juhu, Mumbai. The raiding party then left for the spot and after reaching the place of incident, the bogus customer along with pancha went inside the bungalow. All the applicants were arrested and eight victim girls were rescued. On completing investigation charge sheet is filed.

3. Learned counsel for applicants submits that the applicants are in custody since the date of arrest. Investigation is completed and charge sheet is filed. The victims who were allegedly found at the place of incident, were major. It is submitted that the statements of said witnesses were not recorded u/s 161 of Cr.P.C or u/s 164 of Cr.P.C. There is nothing on record to indicate that the victims were exploited at the instance of applicants.

4. Learned APP submits, on instructions, that the statements of said witnesses were indeed not recorded u/s 164 of Cr.P.C nor the statements were recorded by police during investigation, however, statements of said victim girls were recorded by officers of Shelter Home. It is submitted that the said statements form part of charge sheet. Learned APP, however, submits that in the said statements the rescued girls did not refer name of applicants.

5. Considering the aforesaid circumstances, further detention of the applicants is not necessary and case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2843 of 2018 and Criminal Bail Application No.184 of 2019 are allowed and disposed off;
- (ii) The applicants are directed to be released on bail in connection with CR No.315 of 2018 registered with Juhu Police Station, Mumbai, on their furnishing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report Juhu Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicants shall attend Trial Court proceedings regularly, unless exempted by Trial Court for some reason;
- (v) The applicants are permitted to furnish cash security in the sum of Rs.20,000/- each for a period of six weeks.

(PRAKASH D. NAIK, J.)

MST