

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.359 OF 2019

Ravindra Jadhav] Applicant

Versus

The State of Maharashtra] Respondent

.....

Mr. Aditya Salve a/w Abbas Mookhtiar, for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent - State.

API – Ganesh Kumbhar, Mahatma Phule Chowk Police Station, Kalyan.

.....

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd OCTOBER, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R. No.130 of 2016 registered with the Charkop Police Station, Mumbai, for the alleged offences punishable under Sections 370 (3), 370 (4) r/w section 34 of the Indian Penal Code and

under Sections 3,4 & 5 of the Prevention of Immoral Trafficking Act and 4,8 and 17 of Protection of Children from Sexual Offences Act.

3. Perused the papers. On receipt of secret information that prosecution activities were going on in a flat, a raid was conducted and two girls were rescued. Out of two girls who were rescued, one was a minor aged 17 years. During the course of investigation, statements of the rescued girls were recorded under 164 of Criminal Procedure Code, 1973. The rescued girls aged 17 years and 22 years have not named the applicant.

4. Learned Counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken not to indulge in any similar activities and threaten any witness as well as has undertaken to co-operate with the trial. A perusal of 164 statement of the minor victim girl who is 17 years age shows that the applicant's wife had taken her home for doing household work. The minor girl has alleged that when she asked the applicant's wife for money, the applicant's wife told her that she would have to sleep with one person. She has further stated that applicant's wife called one person and the said person had forcible sexual relations with her. None of the rescued girls have named the applicant.

The applicant has no antecedents.

5. The applicant is in the custody since May, 2016. Investigation is complete and the charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

ii) The Applicant shall report the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

[REVATI MOHITE DERE, J.]