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

BAIL APPLICATION NO. 471 OF 2019

Royindro @ Nandu Jaydeep Pramanik

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. Jayant Gohil for the Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I- 269 of 2018 dated 2.8.2018 registered with Mira Road Police Station, District-Thane (Rural) under sections 313, 376, 370, 374, 354, 109, 506 read with 34 of the Indian Penal Code, Sections 3,4, and 5 of the Prevention of Immoral Trafficking Act (PITA Act) and sections 4,6, 8 and 12 of the Protection of Children From Sexual Offences Act (POCSO Act).

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] The provisions of Protection Of Children From Sexual Offences, Act (POCSO Act) are applied to the present crime and therefore with a view to protect the identity of the prosecutrix and in consonance with the provisions of Section 228(A) of the Indian Penal Code and under Section 33(7) of the POCSO Act, the detailed narration of facts mentioned in the first information report and other relevant statements of witnesses disclosing her identity are hereby avoided.

4] The first information report is lodged by the presecutrix herself. The age of the prosecutrix at the time of lodgment of the crime was 19 years. It is the prosecution case that, the prosecutrix was married with accused No.1 Istiyak Ahmad Khan on 14.10.2013 as per the Islamic religion at village Mishanpur Bazar, Kishanganj, State of Bihar. After the said marriage, the prosecutrix came to Mumbai with co-accused i.e. her husband and in-laws. It is alleged that, her husband and in-laws thereafter forced her to serve in an Orchestra at a restaurant through the present applicant who acted as an agent in that behalf. It is alleged that, the prosecutrix was sent to Nagpur and Bangalore for serving in Dance Bar. It is also alleged that, the amount which she received from the said Dance Bars was taken away by her husband and subsequently he squandered it off with his friend.

It is alleged that, the friends of her husband also used to misbehave with her and also touched her inappropriately when they used to come to her house. It is alleged that, the husband and in-laws of the prosecutrix forced her to indulge into vocation of prostitution and they lived on the said earnings. During the course of investigation, the applicant came to be arrested on 2.8.2018 and after completion of investigation the police have submitted chargesheet.

5] As noted earlier, the first information report mentions the role of the applicant as an agen who facilitated the husband and in-laws of the prosecutrix in getting job/service to the prosecutrix at various Orchestra/Dance Bars at Nagpur and Bangalore. The statement of the prosecutrix under Section 164 of Cr. P.C. has been recorded by the Judicial Magistrate First Class, 4th Court, Thane, wherein the name of the applicant is silent and it is referred as 'one agent' as mediator while getting employment/service to the prosecutrix in Dance Bars at Nagpur, Bangalore and Kolkotta. Thus in her statement under Section 164 of Cr. P.C. there is no mention of the name of the applicant and there is only mention about one person as agent. The identity of the applicant as per her statement under 164 of Cr. P.C. is little ambiguous.

6] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No.I-269 of 2018 registered with Mira Road Police Station, Thane (Rural), on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)