

Anand

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

BAIL APPLICATION NO. 560 OF 2019

Vrushabh Bhagvat Jaiswal

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Arun Rajput i/b. Mr. Amit A. Nalavade, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State
Mr. R. S. Jangbo, PSI, Nagpada Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 03.09.2019

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 194 of 2018 registered with the Nagpada Police Station, Mumbai, for the alleged offences punishable under Sections 370(1), 511 r/w 34 of the Indian Penal Code and under Section 5(1) of the Immoral Traffic (Prevention) Act.

3. Perused the papers, in particular the statement of the rescued girl, aged 21 years. According to the prosecution, the Applicant alongwith co-accused – Sarfaraj had taken the victim girl, aged 21 to a hotel for prostitution. According to the police, on receipt of a secret

information, that two persons were coming to Kamathipura lane to sell a girl for a flesh trade, a raid was conducted and the Applicant and co-accused – Sarfaraj were arrested and the victim girl was rescued. A perusal of the statement of the victim girl shows that on 05.04.2018, she was alongwith the Applicant at Kalyan. She has alleged that co-accused – Sarfaraj came there, pursuant to which they chatted. She has further stated that thereafter, the Applicant stated that he had a friend in Mumbai and that they should go to meet her. She has further stated that as the Applicant wanted to meet his friend in Mumbai, they came to Kamathipura. She has further stated that when she was waiting with co-accused – Sarfaraj, the Applicant went to call his friend who was in Kamathipura lane. She has further stated that she saw the Applicant making enquiries with certain people. She has further stated that thereafter, the Applicant went to a hotel and thereafter, returned. Pursuant to which the police came and took the Applicant and Sarfaraj. Admittedly, co-accused – Sarfaraj has been enlarged on bail. Learned counsel for the Applicant has tendered an Affidavit of the Applicant. The same is taken on record and marked as “X” for identification. In the said Affidavit, the Applicant has undertaken not to contact the victim girl. He has also undertaken not to enter the jurisdiction / area, where the victim girl resides and also undertaken to remain present before the trial Court on every date. The Applicant is in custody since 06.04.2018. Investigation is complete and charge-sheet is filed. The Applicant has no

antecedents.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing 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 to the investigating officer of the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 11.00 a. m. for a period of 24 months** from the date of his release;

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

(iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to co-operate with the conduct of the trial;

(vi) The Applicant shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

(REVATI MOHITE DERE, J.)