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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 453 OF 2019**

Sharad Namdeo Jadhav

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Satyavrat Joshi for the applicant
Smt. J. S. Lohokare APP for the State
Mr. S. P. Shendge, HC, Haveli Police Station

CORAM : NITIN W. SAMBRE, J.**DATE : FEBRUARY 21, 2019.****P.C.**

In Crime No. 251/2018 registered with Haveli Police Station, Pune Rural for offence punishable under Section 370 of the Indian Penal Code and Sections 3, 4 & 5 of the Protection of Children from Sexual Offences Act, 2012, applicant is seeking pre-arrest bail.

2 This Court on 26/11/2018, by a reasoned order has already rejected the prayer. The change in circumstances alleged are, filing

of the charge-sheet and availability of the statement of the victim.

3 The submissions are victims are not implicating the applicant to the extent of getting commission or the applicant being beneficiary out of the earnings of the victim.

4 Said contentions, in my opinion, cannot be re-appreciated at this stage of proceedings for the reason, the statements were recorded on 15/10/2018 whereas this Court has rejected the prayer for bail subsequent thereto i.e. on 26/11/2018. As such, presumption is statements of victim are very much taken into account while rejecting the prayer for grant of pre-arrest bail.

5 There is one more reason to reject the prayer for grant of pre-arrest bail, as it can be inferred from the statements of the victims that victims were not adequately compensated in managing the spa, as such they were required to earn more from indulging in sex business.

6 Applicant, since has provided accommodation/space for doing such illegal act, whether the ingredients of section 3 & 4 of POCSO Act are satisfied or not cannot be an issue which can be dwell upon at this stage.

7 Application as such fails, stands rejected.

8 The observations made herein above are restricted to the extent of consideration of grant of pre-arrest bail.

[NITIN W. SAMBRE, J.]