

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

CRIMINAL BAIL APPLICATION NO.671 OF 2019

Yasin Ibrahim Saheb

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Jaypal R. Gaikwad, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- PI H.T. Kumbhar, Hadapsar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.81/18 registered with Hadapsar Police Station, Pune, under sections 370, 370(A) of the Indian Penal Code and under sections 3, 4, 5, 6 of The Immoral Traffic (Prevention) Act, 1956 (for short 'PITA') and u/s 4, 7, 17 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO').

2. The FIR in this case is lodged by PSI Yogita Suresh Kudale attached to a Social Security Department, Crime Branch, Pune City. She has stated that, on prior information, the police

arranged to lay a trap on the lodge named Saurabh Sangam at Hadapsar. The information revealed that one Raj and Shabana Ilahi Dakhani were conducting prostitution racket in that lodge. The police arranged for a dummy customer. He was asked to go to that lodge. He was given money. He went to the counter. He met the Manager as he was told by the accused Raj telephonically. Thereafter the Manager, who was present at the counter, directed him to one room, where he met accused Shabana. Shabana in turn showed him three girls and he went in another room with one of them. Thereafter he gave a missed call as decided earlier. The police party came there. They arrested the accused and rescued the victims. One of the arrested accused was the Applicant who was Manager of the lodge and to whom bogus customer had paid some money. The Applicant was immediately arrested. The investigation is carried out and the charge-sheet is filed.

3. Heard learned Counsel Mr.Jaypal R. Gaikwad for the Applicant and learned APP Ms.A.A. Takalkar for the State.

4. Learned Counsel for the Applicant submitted that only one of the victims was minor and the other two were major. He submitted that the present Applicant was not owner of the lodge and therefore he was wrongly arraigned as an accused.
5. Ms.Takalkar, learned APP invited my attention to the statements of the victims. Having considered the FIR and statement of the victims it is more than clear that the Applicant is involved in the offence. The Applicant was present in the lodge and had accepted money from the bogus customer. Victims have also stated that the present Applicant was the Manager of the lodge and with his help, they were made the part of the racket. There is sufficient material against the present Applicant. The offence is serious. The sentence for offence u/s 370 of the IPC can be extended upto 10 years. Therefore no case for bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)