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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1043 OF 2018**

Kalpesh Haresh Tailor	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.D.J.Shejul, for the Applicant.

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

PSI – Nikhil Chavan, Nayanagar Police Station, Thane (Rural).

CORAM : REVATI MOHITE DERE, J.

DATE : 13th JUNE, 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.I-253 of 2017 registered with the Nayanagar Police Station, Thane (Rural), for the alleged offences punishable under Sections 376, 363, 366A, 370A, 465, 467 of the Indian Penal Code; under Section 4 of the Protection of Children from Sexual Offences Act; under Sections 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (PITA Act); and under Section 67A of Information Technology Act.

3. Perused the papers in particular the statement of the victim girl. It appears that on receipt of secret information, raid was conducted in Samadhan Lodging, Chandivali, on 19th August, 2017. The victim girl, aged 17 years was rescued in the said raid. The said victim girl was the daughter of the First Informant. In the course of investigation, the statement of the victim girl was recorded. A perusal of the statement of the victim girl shows that the applicant induced her and promised to give her job, as she was interested in modeling. The applicant is also alleged to have prepared a bogus Aadhar Card of the victim girl. On the said new forged Aadhar Card, the victim's name and date of birth was changed. According to the victim girl, the applicant ravished her and introduced her to prostitution. It appears that the victim girl was taken to different places for prostitution and that the applicant would accept a commission amount from the said activities of prostitution. Investigation reveals that the applicant had forged the Aadhar Card of the victim girl and had changed her name and date of birth, to show that she was a major. It also appears that the victim girl was lured and raped by the applicant and thereafter, introduced into prostitution. It also appears that the applicant alongwith

other co-accused had opened an account and were advertising the prostitution business. The ossification test of the victim girl reveals that she was below 18 years of age. It appears that charge is framed and trial has commenced and that the matter is posted for recording of the evidence.

4. Considering the *prima facie* material against the applicant, which is serious in nature, no case is made out to enlarge the applicant on bail.

5. Hence, the application for bail is rejected and disposed of as such.

6. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.