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

CRIMINAL BAIL APPLICATION NO.1415 OF 2019

Ramnik Dungar Patel

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Counsel i/b Mr.Abhishek Yende, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th JULY, 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.319 of 2018 registered with the Worli Police Station, Mumbai, for the alleged offences punishable under Sections 366(A), 370, 370(A), 376 r/w 34 of the Indian Penal Code; under Sections 3, 4, 5 and 7(A)(B) of Immoral Traffic (Prevention) Act, 1956 (PITA Act)

and under Sections 3, 5 and 9 of Protection of Children from Sexual Offences Act.

3. Perused the papers. According to the prosecution, on 1st December, 2018, information was received that prostitution activities were going on in Room No.107, I-Wing, Co-operative Housing Society, Pandurang Budkar Road, Worli, Mumbai, in the premises of the applicant. Pursuant to the said information, raid was conducted and 3 ladies were rescued, one out of whom was a minor, aged 17 years. In the raid that was conducted, a fake customer was asked to visit the premises; when the fake customer visited the premises, the applicant accepted Rs.5,000/- from the said fake customer; thereafter the girl was provided, pursuant to which the raiding party entered the premises. The fake customer was found with the girl in the bedroom. The statement of the rescued girl, aged 17 years reveals that seven months prior to the date of the incident, somebody asked her, whether she would like to work in a massage parlour and gave her the number of the applicant. The minor girl has stated that when she called on the said mobile number given to her, the person (applicant) told her that he was Patel Sir and that she would get good money, if she worked in a

massage parlour and asked her to come to Gopalnagar; that when she went to the applicant's house, the applicant took her to a room, touched her inappropriately and thereafter had forcible sexual intercourse with her and thereafter told her that she would have to do this kind of work for the clients, and accordingly paid her Rs.1,000/-. Thereafter, the minor girl was made to engage in prostitution activities.

4. Learned Senior Counsel for the applicant states that the document on page 54, i.e. Aadhar Card shows the date of birth of the minor girl as 17th May, 2001, whereas in the document which is at page 321 of the application, the date of birth is shown as 22nd January, 2001.

5. Be that as it may, the fact remains that the allegations of Section 376 of the Indian Penal Code, as against the applicant are about seven months prior to the date of raid, when she was a minor. It is also pertinent to note, that the applicant was conducting prostitution activities by showing the place, as an office of a Finance Company, when infact no such office existed. If the applicant is enlarged on bail, the possibility of the applicant threatening the the witnesses, cannot be ruled out.

6. Having regard to the aforesaid, this is not a fit case to enlarge the applicant on bail.

7. Hence, the application for bail is rejected and disposed of as such. However, having regard to the age of the applicant, i.e. 70 years, the trial of the applicant is expedited.

8. 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.