

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1763 OF 2019

Rahim Sohabhai Rehman] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Niranjan Mundargi i/b Hulyalkar and Associates, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

PI Vitthal Dabade attached to Kamshet Police Station, District Pune present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 16th JULY, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.49/2019 registered with Kamshet Takave Police Station, Pune (Rural) u/sec. 3, 4, 5, 7 of The Immoral Traffic (Prevention) Act, 1956 r/w Section 34 of I.P.C.

2. The FIR is lodged by Police Constable M.V. Daundkar. He has stated in his FIR that on 09/03/2019, they were on patrolling duty on the Old Mumbai Pune Highway. They received a secret information

that at Nisarg Lodge within the limits of Kamshet Police Station, the present applicant was conducting prostitution racket. The police party decided to conduct the raid. One Police Constable Mahadik was given Rs.2,000/- currency notes. He was sent to the said lodge as a bogus customer. He went there sometimes before 4.45 p.m. After he went to the lodge, within a short time, he had given a missed call to the first informant. Therefore, the police party went there. The present applicant was found at the counter. The rooms were searched. The cash counter was searched. The note given to the bogus customer Police Constable Mahadik was found in the cash counter. Police Constable Mahadik was present in Room No.4 with one of the victims. The police party was convinced that prostitution was conducted in the lodge, therefore the applicant was arrested and the victims were rescued. Based on these allegations, the FIR was lodged.

3. The applicant was immediately arrested and since then he is in custody. The investigation in this case is over and the charge-sheet is filed.

4. Heard Mr. Niranjana Mundargi, Ld. Counsel for the Applicant and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

5. Mr. Mundargi submitted that the victims were adults and therefore, they were not real victims. They were in the lodge on their own will and the applicant did not make them force in indulging in their act.

6. Ld. APP opposed this application. She submitted that the offence is very serious. The applicant was found at the spot with all the incriminating material.

7. I have considered the submissions advanced by both the parties. The charge-sheet contains the statements of the victims. The victims have categorically stated that, the present applicant was conducting the prostitution racket and was living off their income. The statement of bogus customer Police Constable Mahadik categorically makes a reference as to how he approached the applicant and as to how he had given Rs.2,000/- as was told by the applicant. The complicity of the present applicant is more than clear from the entire charge-sheet. Offence is serious. Therefore, no case for his release on bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)