

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1913 OF 2019

Hiralal Daulatram Mehta (Mewad)] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Prabhanjay Dave, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

PSI S.A. Patil attached to Yeola City Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 28th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.60/2019 registered with Yeola City Police Station u/sec. 3, 4, 5, 6, 7 of The Immoral Traffic (Prevention) Act, 1956.

2. The FIR is lodged on 04/06/2019. The applicant is arrested on the same date and since then he is in custody. It is mentioned in the FIR that, the FIR was lodged by one Police Constable Shubhangi Pawar attached to Manmad City Police Station. She has stated that, on 04/06/2019, police staff received information that, the present applicant was conducting prostitution with the help of some girls at

Bhagoday Lodging at Yeola Manmad Road. The police arranged to conduct raid. A bogus customer and panchas were called. The bogus customer was given Rs.500/- note. The number of the note was taken down. The police party went near the lodge. The bogus customer went inside and after some time gave a call. The police party went inside and found that, there were three victims, bogus customer and the present applicant. The present applicant was in possession of the note which was given by the bogus customer. On this basis, the FIR was lodged and the applicant was arrested. The prosecution case is that, the present applicant was owner of the lodge and he was conducting prostitution and therefore, he had committed the offence u/sec. 3, 4, 5, 6, 7 of The Immoral Traffic (Prevention) Act, 1956.

3. Heard Mr. Prabhanjay Dave, Ld. Counsel for the Applicant and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

4. Mr. Dave submitted that, the offence u/sec. 3 and 4 of The Immoral Traffic (Prevention) Act, 1956 are bailable and offence u/sec. 5 and 6 of The Immoral Traffic (Prevention) Act, 1956 are not made out against the present applicant.

5. Mr. Yadav, Ld APP on the other hand submitted that, the prosecution case shows that, the applicant was owner of the lodge. He submitted that, the investigation is complete and charge-sheet was not yet filed and the approval to file the charge-sheet is awaited. He therefore submitted that, the bail should not be granted to the applicant.

6. I have considered these submissions. The allegations against the present applicant do make out the offences punishable u/sec. 3 and 4 of The Immoral Traffic (Prevention) Act, 1956. The punishment provided under Section 3 is not more than three years and under Section 4 it can be extended upto two years. I have read the statements of the victims which are produced before me. They were recorded u/sec. 164 of Cr. P.C. In none of these statements, the victims have stated that, the present applicant had forced them or detained them or had procured them in indulging in this activities. Therefore, at this stage, it is difficult to observe that, the applicant had committed any offence punishable u/sec. 5 and 6 of The Immoral Traffic (Prevention) Act, 1956. In this view of the matter, since the investigation is already over and the charge-sheet is filed, no purpose

will be served by keeping the applicant in custody taking into account the fact that, the applicant does not have any criminal antecedents. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.60/2019 registered with Yeola City Police Station, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)