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

CRIMINAL BAIL APPLICATION NO.2015 OF 2018

- | | |
|-----------------------------------|----------------|
| 1. Kanchan Subram @Pappu Singh | |
| 2. Pushpa Ramprakash Singh | ...Applicants |
| Versus | |
| The State of Maharashtra and Anr. | ...Respondents |

Mr.A.K.Shukla i/b Mr.A.R.Shukla and Associates, for the Applicants.

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

PSI – Milind Borse, Naya Nagar Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.I-75 of 2018 registered with the Naya Nagar Police Station, Thane Rural, for the alleged offences punishable under Sections 366A, 370, 372 r/w 34 of the Indian Penal Code, under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act) and under Section 18 of Protection of Children from Sexual Offences Act.

3. Learned Counsel for the applicants has tendered affidavits of both the applicants. The said affidavits are taken on record and marked 'X colly' for identification. Both the applicants in the said affidavits have undertaken not to indulge in such type of offences, after their release from the prison. The applicants have also undertaken that they will not approach or visit the rescue foundation, CWC and/or any foundation etc. after their release and that they will not make any effort to visit the rescued girls.

4. Learned Counsel for the applicants submitted that the applicants will not get in touch with the victim girls. Statement accepted.

5. Perused the papers. According to the prosecution, the applicants had induced the applicant No.1's sister (minor) and another girl (major) into prostitution. According to the prosecution, on 31st January, 2018, a trap was laid and co-accused – Ramesh, to whom money was given by the dummy customer, for supplying a girl for prostitution, was arrested on the spot. According to the minor victim girl, the applicant No.1, her sister and the applicant No.2 took her to Shanti Sagar Hotel, where they met co-accused – Ramesh, pursuant to which, there was some conversation

between the three of them. The minor victim girl has stated that one customer came and handed over a bundle of notes to co-accused – Ramesh. The co-accused – Ramesh told the victim girl to do as the customer asks her to do, and not to oppose him. She has stated that just then, the police apprehended the co-accused – Ramesh and rescued her. The minor victim girl has stated that she learnt that her sister (applicant No.1) and the applicant No.2 had taken her to meet the co-accused – Ramesh, for prostitution. The statement of the major victim girl as well as the minor girl, *prima facie* shows that the applicants were involved in prostitution activities. The applicants have no antecedents. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid and in particular the affidavits of the applicants, application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each with one or more local sureties in the like amount;

- ii) The Applicants shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicants shall not tamper with the evidence or attempt to contact the victim girls nor will seek the release of the minor victim girl or will get in touch/contact/threaten the victim girls, witnesses or any person concerned with the case;
- v) The Applicants shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;
- vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by

the Applicants, in the Registry of the trial Court, within two weeks of their release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicants' bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.