

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1988 OF 2019**

Santosh Sharju Yadav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sandeep Mishra a/w Mr. Prakash Mishra for the Applicant

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

PSI Mr. Yogesh Waghmare from Crime Branch, Navi Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-34 of 2019 registered with the Nerul Police Station, for the alleged offences punishable under Sections 370(1)(3), 34 of the Indian Penal Code and under Sections 4 and 5 of the Immoral Traffic Prevention Act.

3 Perused the papers, in particular, the statement of the rescued lady, aged 30 years. According to the said statement, she had disclosed to co-accused Kedar Yadav (arrested) and his associates Santosh, Mushtaque,

Kumar, Mukund, Jay and Ashok that she did not want to engage herself in prostitution activities, however, all the said accused stated that they would defame her and threatened her, pursuant to which, she got involved in prostitution activities against her wish. It appears that all the accused have been arrested and charge-sheet has been filed as against them, except the applicant.

4 Learned counsel for the applicant states that the applicant is not the person, who has been named in the said statement, inasmuch as, the full name of the said 'Santosh' has not been stated. It appears from the statement of the rescued woman that she only knew the first names of the accused i.e. Santosh, Mushtaque, Kumar, Mukund, Jay and Ashok and not their surnames. It is not in dispute that all have been arrested.

5 After Kedar Yadav was arrested, he disclosed the names of all the accused, pursuant to which, the applicant was sought to be apprehended. The applicant has a similar antecedent registered against him in the same police station i.e. C.R. No. 362 of 2016. It also appears that there are CDRs between the main co-accused-Kedar Yadav and other accused.

6 Considering the material *qua* the applicant, this is not a fit case to grant pre-arrest bail to the applicant. The application is accordingly rejected.

7 It is made clear that if an application for regular bail is filed, the learned Judge to decide the same on its own merits, uninfluenced by the observations made herein.

REVATI MOHITE DERE, J.