

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2825 OF 2018

Ravi @ Pradeep Rambhari Gavali	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

WITH
CRIMINAL BAIL APPLICATION NO.2876 OF 2018

Jayashree @ Kalyani Umesh Deshpande	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Abhaykumar Apte, Advocate for the Applicant in both Bail Applications.
 Ms. S.S. Kaushik, APP for the State/Respondent in both Bail Applications.
 Mr. Yogesh Ghate, HC 5739 attached to Kothrud Police Station, Pune present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 26th AUGUST, 2019.

P. C. :-

1. Both these applications are decided by this common order because they arise out of same FIR and the same investigation.

2. The applicants are seeking their release on bail in connection with C.R.No.347/2016 registered with Kothrud Police Station, Pune u/sec. 3, 4, 5 of The Immoral Traffic (Prevention) Act, 1956 and

u/sec. 3 (1) (ii), 3 (2), 3 (4) of The Maharashtra Control of Organised Crime Act, 1999 (MCOCA).

3. The investigation in this case is over and the charge-sheet is filed. Both these applicants were arrested on 08/08/2016 and since then they are in custody.

4. The prosecution case is that on 20/07/2016 Crime Branch, Pune received secret information that, the applicant in BA No.2876/2018 was conducting prostitution racket at Kothrud, Pune. The police party arranged for panchas and bogus customer. The bogus customer was given Rs.6,000/-. The bogus customer went to that particular flat and after some time gave signal by giving a missed call from his mobile phone. Immediately the police staff and panchas went there. They found one Ravi was present in the flat with the notes given by the bogus customer. The numbers on the notes were already recorded by the police staff. Apart from the bogus customer, three victims were found in the flat. On inquiry with them, the police party came to know that, the applicant in BA No.2876/2018 was conducting the prostitution racket in that flat. The applicant was arrested and the

victims were rescued. Based on these allegations, the FIR was lodged vide C.R. No.347/2016 at Kothrud Police Station.

5. The investigation was carried out and the applicants were arrested as mentioned above. During investigation, the statement of the victims were recorded. However, they have given vague statements and have not specified whether they were forced into prostitution by the applicants. There are statements of residents of that building viz., Vilas Salunkhe, Sourabh Diwan and Dnyaneshwar Kandhare. They have stated that, the residents of the building were harassed because of the activities conducted in the flat in question. The flat was given to the applicant in BA No.2876/2018 on rent. During the course of investigation, the prosecuting agency found sufficient material to invoke the provisions of The Maharashtra Control of Organised Crime Act, 1999 (MCOCA). Prior approval u/sec. 23 (1) (a) of The Maharashtra Control of Organised Crime Act, 1999 (MCOCA) to apply such provisions was granted on 21/10/2016.

6. During investigation under The Maharashtra Control of Organised Crime Act, 1999 (MCOCA), statement of both these applicants were recorded u/sec. 18 of the Act.

7. Heard Mr. Abhaykumar Apte, Ld. Counsel for the Applicants and Ms.S.S. Kaushik, Ld. APP for the State/Respondent.

8. Mr. Apte submitted that, the victims have not made any allegations against the present applicants for forcing them into prostitution. He submitted that, there is no material showing that, the applicants had engaged in the offence.

9. Ld. APP relied on the statements of MCOCA Act which indicates that, the offence is serious and the maximum punishment is life imprisonment. She therefore submitted that, considering the punishment under MCOCA Act, the applicants were not entitled for release on bail.

10. I have considered these submissions. In particular, I have read the confessional statements given by these two applicants. Their confessional statements are admissible under Section 18 of The Maharashtra Control of Organised Crime Act, 1999 (MCOCA).

11. The applicant Jayashree @ Kalyani Umesh Deshpande in BA No.2876/2018 has stated in confessional statement as to how she

started indulging in such activities since the year 1998. She has given list of her associates who were helping her in procuring girls and detaining them against their wish. There are many offences registered against her. She has also stated that, she was constantly changing her vehicles and her flats where she was conducting the prostitution.

12. The applicant Ravi @ Pradeep Rambhari Gavali in BA No.2825/2019 had also given his confessional statement which is recorded under Section 18 of The Maharashtra Control of Organised Crime Act, 1999 (MCOCA). He has stated in his statement that, since the year 2008 he was helping the main accused and at her instance he was keeping watch on the victims. He himself was instrumental in detaining the victims. He was helping the main accused in getting money from the customers. He has given details as to how the money was disbursed to the victims. These confessional statements are admissible under MCOCA Act.

13. At this stage, there is nothing on record which would throw doubt on the veracity of the evidence. Hence, at this stage there is sufficient material against the present applicants. It is not possible to

record even a prima facie the case that, no offence is committed under MCOCA Act. Therefore, I am not inclined to grant bail to both these applicants. The offence is very serious and in any case the applicants do not deserve to be released on bail. Hence, the following order.

ORDER

- 1 Both the applications are rejected and stands disposed of accordingly.
2. Since the applicants are in custody from 2016, the trial is expedited.

(SARANG V. KOTWAL, J.)