

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (BA) No.613 of 2019
(Tarabai w/o Laxman Bajad and another .vs. State of Maharashtra through
PSO PS Washim (City), Washim)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. R.K. Tiwari, Advocate for Applicants
Mr. A.D. Sonak, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 31, 2019.

Heard learned counsel for the applicants and
the learned A.P.P.

2. After arguing the present application for some
time and when this Court was not inclined to consider
the case of applicant no.1 for grant of bail, the learned
counsel for the applicant sought permission to withdraw
the application insofar as the applicant no.1 is
concerned. Hence, this application insofar as it pertains
to applicant no.1 is concerned, is dismissed as
withdrawn.

3. As regards the applicant no.2, the learned
counsel for the applicants submits that there is no
specific role attributed to the said applicant in the
present case. The FIR in the present case was
registered on 30.05.2019 for offences under Sections
3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956,
Section 12 of the Protection of Children from Sexual
Offences Act, 2012 and Section 366-A of the Indian
Penal Code. It was alleged that when the information

was received that the applicant no.1 was running a brothel, a decoy customer was sent and on the basis of such raid conducted by the Police, the applicants along with another co-accused were arrested.

4. The Police recorded the statements of three women who were alleged to be indulging in prostitution at the house of the applicant no.1. The investigation in the present case was completed and the charge-sheet was filed on 29.07.2019. A perusal of the statements of the three aforesaid women, shows that they have categorically stated that the applicant no.1 had asked them as to whether they would be ready to entertain men for performing sexual acts in return for money.

5. But the statements of the three women do not attribute any specific act to the applicant no.2. In fact, they do not even name the applicant no.2 in their statements. Even as per the charge-sheet, the applicant no.2 seems to be arrayed as an accused in the present case as he is the son of the applicant no.1, who is alleged to have been running a brothel and there is nothing to show that there are any criminal antecedents of the applicant no.2.

6. In these circumstances when the investigation is completed and the charge-sheet is already filed, this Court is of the opinion that conditional bail can be granted to the applicant no.2.

7. Accordingly, the present application is allowed, only insofar as the applicant no.2 Shyam Laxman Bajad is concerned in Crime No.284 of 2019 registered at Police Station Washim (City), district Washim, on the following conditions:-

- a) The applicant no.2 shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant no.2 shall attend the proceedings before the trial Court on each and every date.
- c) The applicant no.2 shall not influence witnesses.

8. Needless to say that violation of any of the conditions noted above, may lead to cancellation of bail granted to the applicant no.2. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant no.2.

9. As observed above, the present application has been dismissed as withdrawn insofar as the applicant no.1 is concerned.

JUDGE

halwai