

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 420 OF 2020

Usha w/o Ratnaprakash Thakur Applicant

Versus

The State of Maharashtra Respondent

Mr. A.K. Bhosale, Advocate for the applicant.
Mr. V.S. Badakh, APP for respondent.

WITH
BAIL APPLICATION NO. 400 OF 2020

Vinod Tekchand Nagwani Applicant

Versus

The State of Maharashtra Respondent

Mr. K.D. Jadhav, Advocate for the applicant.
Mr. V.S. Badakh, APP for respondent.

CORAM : M. G. SEWLIKAR, J.

DATE : 29th October, 2020.

PER COURT :-

1. Both the applications for bail under Section 439 of the Code of Criminal Procedure are being disposed off by common order as they arise out of the same offence.

2. Facts giving rise to these applications are that on 07.12.2019, informant received a secret information that behind Nandini hotel in Yashwant Ngar, applicant Vinod (Applicant in Bail Application No. 400/2020) was running a brothel alongwith applicant Usha (Applicant in Bail Application No. 420/2020) and charge Rs. 2,000/- per customer. The said spot was raided. Both the applicants were found sitting there. A lady along with a punter was found in the other room of the house. Name of that lady was Poonam Jadhav. On taking search of applicant Usha, cash of Rs. 11,550/- was found. On taking search of applicant Vinod, cash of Rs. 11,500/- was found and on taking search of Poonam Jadhav, cash of Rs. 6,500/- was found. On these allegations, First Information Report was lodged on 08.12.2019 vide Crime No. 469/2019 for offence punishable under Section 370A of the Indian Penal Code, Sections 3, 4, 5, 6 of Prevention of Immoral Trafficking Act and 65(e) of Maharashtra Prohibition Act. Both the applicants were arrested on 07.12.2019.

3. Heard Shri Bhosale, learned counsel for the applicants in both the applications and Shri Badakh, learned APP for the State.

4. Learned counsel Shri Bhosale argued that applicant Usha is an old lady aged 62 years. She was a Government servant and now a pensioner. She does not have any criminal antecedents. The statement of lady Poonam Jadhav has been recorded. This is the sole incident. No other lady has made any such allegations against the applicants. He further submitted that applicant Vinod is alleged to be an agent. The agent in other matter has been released on bail. Therefore, on the ground of parity also, both the applicants are entitled to be released on bail.

5. Learned APP submitted that the offence is of serious nature. Applicant Usha was running a brothel. Statement of Poonam Jadhav shows that she was forced to work as a prostitute. Therefore, none of the applicants deserve to be released on bail.

6. On perusal of the entire charge-sheet it is seen that except Poonam no other lady has made any allegations against applicant Usha Thakur of forcing her into prostitution.

7. On perusal of the charge-sheet, it does not appear that applicant Usha has criminal antecedents. Her age is 62 years. She

resides at Auragabad. Therefore, she will be available for trial. She is detained in jail since last 10 months. None of the offences are punishable with death or imprisonment for life. Considering her age, absence of criminal antecedent and the situation created by the pandemic due to Covid-19, I am inclined to release applicant Usha on bail.

8. So far applicant Vinod is concerned, except that he was sitting with applicant Usha in her house, there is nothing on record to show that he was working as an agent for applicant Usha and was procuring customers. In view of this, I am inclined to release applicant Vinod also on bail. Hence the following order :-

ORDER

BAIL APPLICATION NO. 420 OF 2020

1. Application is allowed.
2. Applicant Usha w/o Ratnaprakash Thakur is released on PR bond of Rs. 50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount in connection with Crime No. 469/2019 registered with Pundlik Nagar Police Station, Aurangabad, for offence punishable under Section 370A(2) of the Indian Penal Code, Sections

3, 4, 5, 6 of Prevention of Immoral Trafficking Act and 65(e) of Maharashtra Prohibition Act on condition that she shall not tamper with the prosecution evidence.

BAIL APPLICATION NO. 400 OF 2020

1. Application is allowed.
2. Applicant Vinod Tekchand Nagwani is released on PR bond of Rs. 50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount in connection with Crime No. 469/2019 registered with Pundlik Nagar Police Station, Aurangabad, for offence punishable under section 370A(2) of the Indian Penal Code, Sections 3, 4, 5, 6 of Prevention of Immoral Trafficking Act and 65(e) of Maharashtra Prohibition Act on condition that he shall not tamper with the prosecution evidence.

(M. G. SEWLIKAR)
Judge