

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

CRIMINAL BAIL APPLICATION NO. 612 OF 2019

Somnath Suresh Parit

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Kuldeep U. Nikam, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 27th January, 2020

PC :

1. This is an application for bail in connection with C.R. No. 32 of 2018 registered with Aashta Police Station, Dist. Sangli, for offences punishable under Sections 370, 376, 2(n), 376(3) r/w Section 34 of Indian Penal Code and Sections 3, 4, 5 of The Protection of Children from Sexual Offences Act, 2012 (for short "POCSO"Act).

2. The complaint was lodged by Police Head Constable attached to the Immoral trafficking Prevention Department, Sangli. On 17th March, 2018 when the complainant was on duty, he was informed by Supervisor that information is received that the person namely Somnath is conducting business of supplying prostitution to the customers at Siddhi Lodge. He operates the said business from his mobile No. 9518783960. The Panchas were called and preparation for raid was made. Accordingly, they raided the lodge on

the same day. They found one victim girl aged about 15 year. The fake customer sent by the police told the complainant that he gave money to the manager of the Siddhi Lodge. The FIR was registered for the aforesaid offences. Statement of the victim was recorded under Section 161 of Cr.P.C. and subsequently under Section 164 of Cr.P.C. On completing investigation, charge-sheet is filed.

3. Learned advocate for the applicant submitted that the applicant and the victim were closely acquainted with each other. As per her statement she was residing with the applicant. They had performed marriage. Even in medical history it is stated that she had accompanied applicant. Statement under Section 164 of Cr.P.C. exonerates the applicant. In the said statement she has stated that she had visited the lodge voluntarily and not on the instructions of the applicant. She had performed marriage with the applicant. It is further submitted that the statement of Chandrakant Gurav indicates that the victim was residing in the room premises belonging to him. The applicant is 23 year old boy having no criminal antecedents. He is in custody for a period of about 2 years.

4. Learned APP submitted that the offence is of serious nature. The victim is minor girl aged about 15 years. She was subjected to prostitution by the applicant. He was living on the earnings of the victim who was made to indulge in prostitution activities. The

statement of the victim recorded under Section 161 of Cr. P.C. attributes specific overt act of subjecting the victim to prostitution by the applicant. The statement under Section 164 of Cr. P.C. was recorded subsequently in which she did not support prosecution.

5. I have perused the documents on record. Specific information was received by the police that the applicant is indulging in prostitution activity by providing girls for prostitution. The cell phone number of the applicant was provided in the information. Call was made on the cell phone of the applicant. According to the prosecution, the applicant had arranged the prostitution activity. The statement of victim was recorded under Section 161 of Cr.PC. She has stated that she was residing with the applicant. She had developed friendship and fell in love with him. She accompanied him. There was physical relationship between them. She was residing with the applicant at Vathar since last one month. Since the applicant had suffered accident, he started looking out customers for prostitution. She used to earn money from customers in prostitution activity and amount was being handed over to the applicant. She has to visited Siddhi Lodge on instructions of the applicant. On 17th March, 2018 the applicant had told her to visit Siddhi Lodge where she was apprehended. In the medical history provided in the medical certificate victim has stated that she had accompanied the applicant

and there was physical relationship between them. Thus, the victim was minor girl aged about 15 year. She has attributed specific role to the applicant. The information was received that applicant is indulging in arranging girls for prostitution. The victim was a minor and subjected to prostitution. The applicant was living on earnings of the victim. In statement under Section 164 of Cr.PC., however, the victim has tried to exonerates the applicant. It is admitted position that she was minor. She was residing with the applicant. She has also admitted that she had visited Siddhi Lodge. Considering the complaint, statement of the victim under Section 161 of Cr.PC. and the circumstances appearing through the investigation conducted by the Police, no case for grant of bail is made out.

ORDER

- i) Bail Application No.612 of 2019 is rejected and stands disposed of accordingly.
- ii) It is clarified that the observations made in this order are prima facie for considering the application for bail and the trial Court shall not be influenced by the same during the trial.

(PRAKASH D. NAIK, J.)