

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

BAIL APPLICATION NO. 209 OF 2020

Ajay Rambabu Thakur	Applicant
V/s.	
The State of Maharashtra	Respondent

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Mr. Prashant C. Mohite, Advocate for the applicant.

Ms. Veera Shinde, APP for State.

CORAM : SANDEEP K. SHINDE, J.

DATE : 2ND SEPTEMBER, 2020.

P.C. :

1. The applicant is seeking his, enlargement on bail in connection with Crime No. I-704/2018 registered with Kashimira Police Station for the offences punishable under Sections 363, 376(2)(n), 366-A, 372 of the Indian Penal Code read with Sections 4, 10 and 12 of the Protection of

Children from Sexual Offences Act (“POCSO Act” for short) read with Sections 4, 9 and 12 of the Immoral Traffic (Prevention) Act, 1956 (“PETA Act” for short).

2. It may be stated that, the offences alleged against this applicant are under Sections 4, 5 and 9 of the PETA Act.

3. At the outset, it may be stated that, the, ‘victim’ is the daughter of the applicant. It appears while working in the establishments of different, bars and restaurants, she fell in love with accused no.1. She accompanied the accused no.1 to different places. On 11.11.2018, mother of the victim, lodged a missing complaint and thereafter complaint under Section 363 of the IPC was also lodged.

4. On 12.11.2019, complainant was informed that her daughter (victim) has been brought to Kashimira Police Station by Pramila Sharma attached to a NGO. Victim was produced, before the Child Welfare Committee (CWC) on 13.11.2018. On 11.01.2019, victim’s statement was recorded. Besides, there is another statement recorded on

20.2.2019. In this statement, she categorically admits her relations with accused no.1 with whom she had gone to Goa for few days, and had disclosed that accused no.1 had transferred a sum of Rs.15,000/- in the account of the applicant (her father). It appears, on the basis of this disclosure, offences under Sections 4, 5 and 9 of the PETA Act has been registered against the applicant.

5. Accused no.1 with whom the victim had eloped has been released on bail by this Court, recording a prima-facie finding, that the victim accompanied accused no.1 and kept physical relations with him voluntarily. Therefore, prima-facie, it cannot be said that this applicant pushed his daughter into prostitution and thus living on the earnings of prostitution. That even otherwise, the investigation in the case is over and the victim is in the protective home. No antecedents are brought to the notice of this Court as against the applicant of his indulging into similar activities. The trial in the case is not likely to commence in the near future and therefore the following order is passed :

O R D E R

(i). The applicant arrested in Crime No. I-704/2018 registered with Kashimira Police Station, shall be released on bail on executing P.R. Bond in the sum of Rs. 30,000/- (Rs. Thirty Thousand only) with one or more sureties in the like sum.

(ii). In view of outbreak of Covid-19 pandemic, applicant is permitted to furnish cash bail and the same shall remain in force for a period of three months.

(iii). It is made clear that, before expiry of three months, applicant shall furnish sureties as directed hereinabove.

(iv). The applicant shall report to the concerned police Station once in a month i.e. first Monday of each month between 11:00 to 1:00 p.m. till the charge is framed.

(v). The applicant shall furnish particulars of his permanent residential address and contact details to

the Investigating Officer forthwith.

(vi). The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

3. The application is accordingly allowed and disposed off in the aforesaid terms.

4. It is made clear that, observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

Neeta
S.
Sawant

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by Neeta S.
Sawant
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