

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.335 OF 2021

1. Bhagyashri Prakash Bhande
and another = APPLICANTS

VERSUS

The State of Maharashtra = RESPONDENT/S

Mr.DJ Patil,Advocate for Applicant/s;

Mr.SB Narwade,APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI,J.

DATE : 6th April, 2021.

PER COURT :-

1. Present applicants have been arrested in connection with CR No.122/2021 by Gandhi Chowk Police Station, District Latur for the offences punishable under Section 370 of IPC and under Sections 3, 4, 5 and 7 of The Prevention of Immoral Traffic Act. They have filed the present application under Section 439 of Cr.P.C.

2. Heard Shri DJ Patil, learned Advocate for the applicants and Shri SB Narwade, learned APP for Respondent-State.

3. It has been submitted on behalf of the applicants that they have been falsely implicated. In fact, applicant No.2 runs a jewelry shop in Sarafa lane at Latur under the name and style "New Bhande Jewelers". Photo copy of the Shop Act

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license has been produced on record. Applicant No.1 is his wife. As per the FIR, it has been contended that some secret information was received and pursuant to the same, raid was conducted with the help of a dummy customer and then it was found that the applicants were running sex racket in their house. However, fact is that, apart from the said jewelry shop, applicant No.2 does act of giving money to the needy persons and those persons, who were caught at the spot, were those customers, who have come for money as loan. In fact, the person, who was caught at the spot, was one Vasant Vishwanath Ugile, who was 64 years old Advocate and along with him other persons had come for the loan amount. The applicants were not even knowing the names of the ladies, who were accompanying the Advocate. Now, unnecessarily, the names of the present applicants have been involved in the illegal prostitution business. The applicants are innocents and they are ready to abide by the terms of bail. They have permanent place of abode.

4. Per contra, learned APP strongly opposed the application and submitted that when such secret information was received, a fake customer was sent with marked currency notes and then after the signal was given, the raid was conducted. The victims were found in half-naked position. The applicants are the persons, who were running the said sex racket. Applicant No.2 was found possessing an amount of Rs.3,710/-. The other

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persons, who were arrested at the said spot, were also having sufficient amount with them. Not only the cash amount but also objectionable articles were seized. There was vein in the room and condoms were found from the spot. This indicates that the present applicants were in the said business of prostitution and they were earning through those victims. Investigation is yet to be completed and further nexus is yet to be established. When it is found that the present applicants were running brothel, that too in a rented premises for their economic benefits, they have committed the offence, which is anti-social and against women and, therefore, they do not deserve any kind of sympathy.

5. At the outset, it can be said that this Court, at this stage, will have to consider the allegations and not defence of the accused persons. Accused will have to establish a particular defence, he or she is taking. From the contents of the FIR, fact remains that, in all five persons were found as customers from the said place. Their role was different and, therefore, it appears that they have been released on bail by the concerned Court. But, as regards the present applicants are concerned, the allegations against them are very much serious. The facts are already reflected in the aforesaid paras and, therefore, they are not repeated once again. It appears to be a rented premises that was used. Under the said circumstance, it becomes questionable as to why

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applicant No.1 would have been present at that spot. Further, when either equivalent or more than the amount, which was found with applicant No.2, was also found with the male persons, who were arrested from the spot. Then, at least, at this stage, there appears to be a doubt in respect of the defence that is raised that applicant No.2 wanted to extend hand-loan to any of those male persons. Further, when the applicants themselves have filed the copy of the Shop Act license, which is being run from Sarafa Lane, Latur, indicating that he is having place of business, then why he should call all these persons to the said rented premises for the business of extending the loan at 17.15 hrs., which would be normal business time for him to conduct his own business of jewelers. Therefore, taking into consideration all these aspects, as the investigation is still pending, this is not a fit case where the applicants should be released on bail. The Bail Application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV