

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

CRIMINAL BAIL APPLICATION NO.683 OF 2020

Krantikumar Sadashiv Kotagi Applicant
Versus
The State of Maharashtra Respondent

Mr. Satyam H. Nimbalkar, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.302/2019 registered at Rajarampuri police station, Kolhapur under Section 370 of the Indian Penal Code and under Sections 3, 4, 5, 6, 7 of the Immoral Traffic (Prevention) Act.

2. Heard Shri Satyam Nimbalkar, learned counsel for the Applicant and Smt.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by Police Naik Tanaji Sumbe on 25.9.2019. The Applicant was arrested on 26.9.2019 and

since then he is in custody. The investigation is over and the chargesheet is already filed. The informant in his FIR has stated that he was working at Rajarampuri police station. On 25.9.2019, his seniors told him that they had received an information regarding prostitution going on in a place near a high school. The police party arranged to conduct raid. Two panchas were called and one bogus customer was also called. He was given two currency notes of Rs.500/- denomination. He was asked to go to that place and after fixing the transaction he was to give a pre-arranged signal. The police party reached there. They stood at some distance. The bogus customer went ahead. At about 5:00 p.m. he gave the pre-arranged signal. The police party went to that place. The door was opened by the present Applicant. He was apprehended. In one bedroom, bogus customer was found with the girl. He told the police party that he had paid Rs.1000/- to the Applicant and he was made to occupy that bedroom with the victim. On this basis, the FIR was lodged. The currency notes found with the present Applicant wear the same notes whose numbers were noted earlier.

4. Shri Nimbalkar submitted that the statement of the victim was recorded under Section 161 of Cr.P.C. and then another statement was recorded under Section 164 of Cr.P.C. She has not supported the prosecution case in her statement recorded under Section 164 of Cr.P.C. He submitted that even otherwise her statement shows that the Applicant had not forced her to indulge in this act. He submitted that the premises belonged to his father and not to the Applicant. The Applicant had given that room on rent to the victim and he was not aware as to what was going on in that room. He further submitted that the Applicant's further detention in the custody during the trial is not necessary.

5. Learned A.P.P. relied on the documents in the charge-sheet and opposed this application.

6. I have considered all these submissions and with the assistance of learned Counsel for the parties, I have perused the charge-sheet. The statement of the victim under Section 161 of Cr.P.C. shows that she was in need of money. One of her friends gave her contact number of the present

Applicant. The victim contacted him. He took her to one room. He told that she would have to earn money by having physical intercourse with different men and for every such act, he would pay her Rs.500/-. Since she was in dire need of money she accepted his proposal. She has further stated that on 25.9.2019, the raid was conducted and the Applicant was arrested.

7. The victim's statement under Section 164 of Cr.P.C. however does not reveal such story. She is silent on all these material aspects.

8. She was supporting the Applicant's case in her statement under Section 164 Cr.P.C. It was recorded subsequently before the Magistrate. But it clearly was an afterthought to save herself from any kind of detention. The occurrence of the incident and conduct of the raid is sufficiently corroborated by other members of the raiding party as well as the statement of the bogus customer Amit. The notes were recovered from the Applicant. Thus, at this stage the allegations that the Applicant was earning money from this cannot be doubted. However, the Applicant is in

custody since 26.9.12019. The trial is not likely to commence soon. Therefore, his continued detention at this stage is not necessary. If commission of this offence is proved, he can be convicted and sentenced in accordance with law. Today in this background and particularly taking into account the victim's statement that she had voluntarily indulged in such activities, I am inclined to grant relief of bail to the present Applicant. Hence, the following order :

ORDER

- (i) In connection with C.R.No.302/2019 registered at Rajarampuri police station, Kolhapur, the Applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station every fortnight for a period of one year from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)