

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

CRIMINAL BAIL APPLICATION NO. 1196 OF 2021

Shankarava Sangappa Kumbhar Applicant

Versus

The State of Maharashtra Respondent

Mr. Ritesh Thobde, for the applicant.

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

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The applicant is seeking her release on bail in connection with C.R.No. 1355 of 2020 registered at MIDC Police Station, Solapur, on 12/12/2020, under sections 370-A(2) of the Indian Penal Code and under Section 3,4,5 and 6 of Immoral Traffic (Prevention) Act, 1956. The applicant was arrested on 11/12/2020 and since then she is in custody. The investigation is over and the charge-sheet is filed. Though the FIR is lodged on 12/12/2020, she was arrested earlier.

2. Heard Mr. Ritesh Thobde, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR was lodged by police constable Ramadevi Bhujbal who was attached to Immoral Traffic Prevention Cell, Solapur. The FIR mentions that on the basis of secret information, the police arranged to conduct a raid at Raj Ratna Nagar. The information was about the prostitution racket which was going on at that place. The police arranged for panchas and a bogus customer. The bogus customer gave two notes of Rs. 500/- denomination. Their numbers were noted. The bogus customer went to the spot. The applicant was present at that spot. The bogus customer gave two notes of Rs. 500/- denomination to the present applicant. After he had given signal, police raiding party apprehended the applicant. At that place there were four victims who were involved in prostitution. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that all these victims had willingly, on their own had approached the applicant. She had merely helped them in getting the customers. For that she had taken some amount from them. Therefore leniency should be shown to her.

5. Learned APP opposed this application. She submitted that statements of the victims are recorded under Section 161 and 164 of Cr.P.C. In both these consistent statements, the victims have stated that they were in need of money. All the victims have given different reasons for their need of money. They had approached the applicant. The applicant had told the victims that she would give Rs. 100/- per customer. to the victims and she would take the balance amount. The victims were agreeable for that, and thus, this illegal racket was going on.

6. I have considered these submissions. With the assistance of both learned Counsel, I have perused the charge-sheet and in particular I have seen the statements of the victims recorded under Section 161 and 164 of Cr.P.C. This is a sad case in which all the victims were driven to indulge in these activities to earn money. It appears that the applicant herself was poor and she was taking some amount from the victims for getting customers.

7. In this view of the matter, pre trial detention of the applicant will not serve any purpose. Learned APP submitted that there are no antecedents against the applicant. Therefore, the applicant can be released on bail. However, to keep check on her activities, she can be directed to attend the police station.

8. Hence the following order.

ORDER

(i) In connection with C.R.No. 1355 of 2020

registered with MIDC Police Station, Solapur, the Applicant is directed to be released on bail on her furnishing 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 once in a month for next one year.
- (iii) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)