

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

CRIMINAL BAIL APPLICATION NO. 1678 OF 2021

Suraj Suresh Awsekar Applicant

Versus

The State of Maharashtra Respondent

Mr. Ritesh Thobde, for the applicants.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 23rd JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 80 of 2021 registered at Faujdar Chavadi Police Station, Solapur, on 29/01/2021, under sections 3,4,5 and 6 of Immoral Traffic (Prevention) Act and under Section 370 of the Indian Penal Code. The applicant was arrested on 29/01/2021 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Ritesh Thobde, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The prosecution case is reflected in the FIR itself lodged by PSI Prashant Kshirsagar who was attached to Immoral Traffic Prevention Cell, Solapur. He has stated that on 28/1/2021, at about 1.50 p.m., Police Officers received a secret information that prostitution racket was going on at lodge known as Vishwa Milan lodge. The applicant is owner of that lodge. Police then called panchas and a bogus customer. The bogus customer was given two currency notes of Rs. 500/-. The bogus customer was asked to give pre-arranged signal by giving a missed call to the informant. At around 3.15 p.m. police party went inside the lodge. One Sopan Lamture was seen outside the lodge. He was working in that lodge. One Rahul Sonkamble was Manager of the lodge and Mallinath Vibhute was helper working in the lodge. The applicant was not present at that time. Police took search

of the lodge. In one of the rooms, bogus customer was found with one of the victims. Currency notes given to the bogus customer, were found with Rahul Sonkamble. Inquires were made with the victims who were present in the lodge. In the meantime, the applicant came there and told the police that he was owner of the lodge. He was also arrested. Licence of the lodge was in his mother's name. On this basis the FIR was lodged.

4. Learned Counsel for the applicant submitted that victims had indulged in these activities on their own. There was no force involved. Statements of the victims show that they were doing these activities with the help of other accused and not with the help of the present applicant.

5. Learned APP opposed this application. He submitted that these activities will have to be curbed. The applicant was owner of the lodge and the activities were going on with his permission.

6. I have considered these submissions. With the assistance of both learned Counsel, I have perused the charge-sheet. The charge-sheet contains statements of victims. Their statements are recorded under Section 161 and 164 of Cr.P.C. All of them have stated that they were driven to indulge in these activities to earn money because of their extreme poverty. They were paid Rs. 500/- per customer.. There was no force involved. Their statements show that the applicant was aware of their activities and with his permission the activities were going on in the lodge. However, he had not forced them. The co-accused Rahul Sonkamble is granted bail by this Court. In this view of the matter, the applicant can be granted bail. However to curbe these activities and to prevent misuse of the lodge, certain conditions will have to be imposed on the applicant. Trial Judge shall decide the trial on its own merit without being influenced by this Order.

10. Hence the following order.

ORDER

- (i) In connection with C.R. No. 80 of 2021, registered with Faujdar Chavadi Police Station, Solapur, the Applicant is directed to be released on bail on his 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 fortnight for a period of one year from today.
- (iii) The applicant shall not allow and encourage any such activities in his lodge.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)