

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

CRIMINAL BAIL APPLICATION NO.2094 OF 2021

Rahul Malhari Sonkamble	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vijay Killedar, Advocate for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JUNE, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No.80/2021 registered at Faujdar Chawadi police station, District Solapur on 29.1.2021 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 28.1.2021 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri Vijay Killedar, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by PSI Prashant Kshirsagar on 28.1.2021. He has stated in his FIR that he was attached to Immoral Traffic Prevention Cell, Solapur City. On that day, at about 1:50 p.m., they received a secret information that the present applicant and others were carrying on the business of prostitution in Vishwa Milan Lodge. The police arranged to conduct raid. Panchas were called and a bogus customer was also called. He was given two currency notes of Rs.5,00/- denomination. Their numbers were noted. He went to that lodge. After some time he gave a pre-arranged call on the informant's phone number and as planned, the police conducted raid on that lodge. One Sopan Lamture who was a sweeper was found at the lodge. Two persons were present at the counter. One was the applicant who claimed to be the Manager and the other was Mallinath Vibhute who was a helper. They informed that the owner was one Suraj Ausekar. The police went to the room where the bogus customer had

gone with one of the victims. The notes were found with the present applicant. The victims gave information about the prostitution racket going on in that lodge. There were six victims present in the lodge. They were in between 28 to 32 years of age. All of them were adult. All of them told the police that they were given Rs.500/- per customer by the lodge owner and the Manager. After some time the lodge owner Suraj Ausekar also came there. All the accused were arrested and the FIR was lodged.

4. Learned counsel for the applicant submitted that all the victims had sought help from the applicant for earning money by indulging in prostitution. The applicant has not forced anybody. The applicant is already in custody since 28.1.2021. The investigation is over and his further custody is not necessary.

5. Learned APP opposed this application and submitted that the applicant had indulged in such activities and will continue to indulge in such activities if released on bail. She submitted that the statements of the victims are

also recorded under Section 164 of Cr.P.C. and those statements are similar to their statements recorded under Section 161 of Cr.P.C.

6. I have considered these submissions and in particular I have perused the statements of the victims. All the victims have stated in their statements under Section 161 of Cr.P.C. that they were in extreme need of money and, therefore, they had approached the present applicant. They had shown willingness to take up prostitution and pursuant to their requests the applicant was taking money and providing them rooms and was paying them some money per customer.

7. Considering these statements, it is clear that the applicant has not forced any of the victims. The victims unfortunately had to earn money through this business driven by their extreme poverty. The investigation is already over. Further custody of the applicant will not serve any purpose as the trial is likely to take long time even to commence. The apprehension expressed by learned APP can be taken care of by imposing suitable condition. Hence, the following order :

ORDER

- (i) In connection with C.R.No.80/2021 registered with Faujdar Chawadi police station, District 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 on every Monday between 10:00 a.m. to 11:00 a.m. to mark his presence, for a period of one year from today.
- (iii) The applicant shall not indulge in similar activities in future.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)