

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

BAIL APPLICATION NO. 205 OF 2021

Virendra Jugal Thakur ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Husen Shaikh a/w Mr. Rumman Shaikh a/w Ms. Riddhi Joshi
Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Ashok R. Sawant (P. S. I.) Colaba Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. 208 of 2019 registered with Colaba Police Station, Mumbai for offences under Section 370, 370(A), 366(A), 376 r/w Section 34 of Indian Penal Code (for short “IPC”) and Sections 3, 4, 5, & 7(1)(b) of The Immoral Traffic (Prevention) Act, 1956 (for short ‘PITA Act’) and Sections 4, 8, 12 & 17 of Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’).

2. The case of the prosecution is that on receipt of information raid was conducted at hotel Blue Light on 21st December,

2019. During the raid, bogus customers were arranged to visit premises. The accused were involved in prostitution activities. During raid victims were rescued. Except one all were major. The statement of minor victim aged 16 years, 5 months was recorded. The applicant was arrested on 22nd December, 2019. On completing investigation charge-sheet was filed.

3. The First Information Report proceeds with the allegations that the applicant is the manager at the said establishment. The owner and other accused are involved in the offence. However, during the course of investigation, statement of the owner was recorded, who stated that the establishment was let out to the applicant on Leave on License basis.

4. Learned APP submitted that role is attributed to the applicant. His involvement is disclosed in the FIR and the other statement of witnesses. One of the victim was minor, hence provisions of POCSO Act were invoked. The applicant was conducting the establishment.

5. The victim has referred to name of Rekha as person who brought her. She has not been arrested. The owner was impleaded as an accused. He has not been arrested. The case of the prosecution now that he is the witness and the establishment was being

conducted by the applicant. However, Leave and License agreement is not on record. The complaint proceeds with the fact that the applicant was the manager of the establishment. There are no criminal antecedents against the applicant. Investigation is completed and the charge-sheet is filed. The minor victim had not attributed any overt-act to the applicant. Considering the factual aspects, bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 205 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 208 of 2019 registered with Colaba Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;
- (iv) The applicant shall not leave State of Maharashtra without permission of the trial Court.
- (v) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)