

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

CRIMINAL BAIL APPLICATION NO. 225 OF 2021

Mangilal B. Prajapati ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mahesh V. Rajpopat a/w. Mr. Akshit Kothari, for the Applicant.

Mrs. Anamika Malhotra, APP for the Respondent – State.

Mr. N. D. Sawant, H.C., Bangur Nagar Police Station, Mumbai.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th MARCH, 2021

PC :

1. This is an application for bail in C.R.No.637/2020 registered with Bangur Nagar Police Station, Goregaon, Mumbai, for the offence punishable under Sections 370(1) of Indian Penal Code, 1860 and Sections 4 and 8 of The Immoral Traffic (Prevention) Act, 1956 (in short 'PITA').

2. The case of the prosecution is that on receipt of information, that the prostitution activities are being conducted in the premises mentioned in the complaint, the police raided premises with the aid of bogus customer. One victim was found at the premises. She was a major woman aged about 22 years. The F.I.R. was registered against

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the applicant was allegedly conducted the prostitution activities and the owner of the lodge. It appears that Leave and Licence agreement was executed with the applicant by the owner of the lodge. The applicant was arrested on 7th October 2020. On completing investigation, the chargesheet is filed.

3. Learned Counsel for the applicant submitted that no any case is registered against the applicant in the past. The applicant is in custody for substantial period of time. The co-accused has been granted bail.

4. Learned APP submitted that applicant was conducting prostitution activities. He was found at the premises. Call was made to applicant after it was decided to raid the premises. One victim was rescued from the premises.

5. It appears that the statement of the victim was not recorded during the investigation. Learned APP however submits that the Panchnama recorded at the time of raid refers to the name of the victim and the fact that the bogus customer was introduced and amount was received.

6. The applicant is charged for the offence 370(1) of Indian Penal Code and other provisions of Sections 4 and 5 of PITA Act. He is in

custody from the date of arrest. The statement of the victim has not been recorded. The victim was a major woman.

7. Considering this aspects, further detention of the applicant is not necessary.

8. Hence, the following order.

ORDER

- (i) Bail Application No.225 of 2021, is allowed.
- (ii) The applicant is directed to be released on bail in C.R.No.637/2020 registered with Bangur Nagar Police Station, Goregaon, Mumbai, on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the concerned Police Station once in three months on first Saturday of month between 11.00 a.m. to 01.00 p.m. till further order;
- (iv) Bail Application No.225 of 2021 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)