

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

CRIMINAL BAIL APPLICATION NO. 340 OF 2021

1. Sonu Vinod Singh
2. Dildar Fazlur Sarkar

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Kushal Mor, for Applicants. _____

Smt. Anamika Malhotra, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th JULY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No. 245 of 2020 registered at Kongaon police station, Dist. Thane, on 28/10/2020, under sections 370(2) and 370(3) r/w. 34 of the Indian Penal Code (for short 'IPC') and under sections 3, 4 and 5 of The Immoral Traffic (Prevention) Act, 1956. Both the applicants are arrested on 27/10/2020 and since then they are in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri. Kushal Mor, learned counsel for the

applicants and Smt. Anamika Malhotra, learned APP for the State.

3. The prosecution case is revealed through the First Information Report (for short 'F.I.R.') itself, which is lodged by police constable Nisha Karande, attached to Immoral Human Trafficking Prevention branch, Crime Branch, Thane city. She has stated that, on 27/10/2020, at about 2:00p.m. the police officers received a secret information that, prostitution was going on at a hotel in their area. The owner and Manager take money and supply girls to the customers. The police party arranged to conduct a raid. Two panchas were called. One of them was a woman pancha. One bogus customer was also called. He was given six currency notes of Rs.500/- denomination. Their photographs were taken. They were signed by the panchas and the bogus customer. The police party went to that particular lodge. After some time, the bogus customer gave a pre-arranged signal by giving a missed call to one of the police officers. The police party went to that lodge and conducted raid. The applicant Sonu Singh was found there. He gave his occupation as Manager of that lodge. The other applicant Dildar Sarkar was also found there. He was the owner of

that lodge. Apart from them, three victims were found in the lodge. The accused were arrested. Rs.3000/- were found with the accused, out of which, Rs.2000/- were found with the applicant Dildar and Rs.1000/- were found in the cash counter handled by the applicant Sonu. Both the accused were arrested. The F.I.R. itself mentions that, one of the victims gave details about her part. She has stated that, because of dire financial necessity she was doing this work, for which, she was paid some amount. Similar statements were made by the other victims. Based on these allegations, the F.I.R. was lodged and accused were arrested.

4. Learned counsel for the applicants submitted that, the investigation is already over. The applicants are in custody since 27/10/2020. All the victims were adult and they were indulging in this because of their dire financial status. The applicants had not forced them and therefore, leniency should be shown to the applicants, as the trial is likely to take a long time even to commence.

5. Learned APP opposed this application. She submitted that the victims were exploited and, therefore, offence is made out.

The role of both the applicants is mentioned in the F.I.R. itself. The applicant No.1 was Manager and applicant No.2 was the owner of the said lodge, therefore, their complicity in the offence is also shown. However, learned APP states that, there are no antecedents against both the applicants.

6. I have considered these submissions and with the assistance of both learned counsel I have perused the charge-sheet. In the charge-sheet there are statements of members of the police party namely Sheetal Madne, Sunil Chavhanke, Tanaji Waghmode, Avinash Babrekar and Sunil Sonnis etc. There are also supporting panchanamas, as well. Therefore, at this stage, the prosecution case is supported by statements of witnesses and other documentary evidence. The core question remains about the victims' stand. There were three victims in the lodge. They have given their statements. Their stand was that, because of their financial needs they were compelled by their circumstances to indulge in these activities. None of them has blamed either of these applicants for this offence. They had stated that, they were paid Rs.1000/- per customer by the applicants. Considering their

statements, though the offence is made out against both the applicants, due consideration to the victims' stand can be given. The trial is likely to take very long time, even to commence. Importantly, the applicants had not forced the victims into these activities, therefore, I am inclined to grant bail to both these applicants.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 245 of 2020 registered at Kongaon police station, Dist. Thane, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall not indulge in similar activities.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)