

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.1208/2021**

Chandraprakash Shaligram Atote
(Presently lodged at Aadharwadi
Jail)

.....**Applicant**

V/s.

The State of Maharashtra & anr.

....**Respondents**

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Mr. Mahesh Vaswani, a/w.Ms. Shreya Tiwari and Ms.
Pranjali Desai i/by. Ms. Dharini Nagda, Advocate for
the applicant.

Mr. H.J. Dedhia, APP for State.

CORAM: SANDEEP K. SHINDE, J.
(Video Conference).

Friday, 20th August, 2021.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Applicant is seeking his enlargement on bail in
connection with Crime No. 0542/2019 dated 19th
November, 2019 registered with Mahatma Phule Chowk

Police Station, Kalyan for the offences punishable under Sections 370(2) read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Immoral Traffic (Prevention) Act.

3. Prosecution case in brief, is that, on a tip-off, the Anti Human Trafficking Cell, Thane apprehended the applicant and co-accused; his live-in-relationship partner. Both were found living on the earnings of 'Prostitution'. Before apprehending the applicant and co-accused (his partner), decoy customer called the applicant on his mobile. Whereupon the applicant allegedly agreed to provide girls of his choice. After which he asked customer to talk with co-accused. She asked the decoy customer to book a room in the Hotel, Sagar International. She demanded Rs.2,000/- from him. Whereafter pre-raid panchanama was drawn and Rs.2,000/- were given to the decoy customer. Particulars of the currency were noted in pre-raid panchanama. Applicant's partner was apprehended on the spot in the company of the victim while soliciting the decoy customer. Thereafter, the offence in question came to be registered against the applicant and the co-accused under Sections 370(2) and Sections 4 and 5 of the PITA Act. Applicant was arrested on 20th November, 2019.

Investigation in the case is over and chargesheet has been filed. There is no past criminal record against the applicant.

4. Learned Counsel for the applicant, has taken me through the chargesheet and in particular the statement of the victim recorded on 20th November, 2019 to contend that the statement of victim who was 29 years old, does not suggest the applicant's complicity in the crime.

5. Mr. Dedhia, the learned APP would submit that, there is sufficient evidence on record to indicate that applicant and the co-accused with whom the applicant is live-in-relationship, were living on the, earnings of prostitution. In support of this submission, he relies on the statement of the victim, which is at page-117 of this application.

6. I have perused the chargesheet. The role attributed to the applicant is that, he had agreed to make available the girls to the decoy customer as desired by him through his partner, the co-accused. Yet, statement of the victim does not suggest that, he had accepted the money on behalf of her and/or he paid money to her.

7. The applicant is in custody since November, 2019. There is no criminal past record. The trial may not commence in the near future. However, his presence for trial can be secured by imposing the conditions.

8. For the reasons stated above, the application is allowed. Hence, the following order :

ORDER

(i) The applicant arrested in Crime No. 0542/2019 registered at Mahatma Phule Chowk Police Station, Kalyan, shall be released on bail on executing P.R. bond for the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer on each Monday commencing from 30th August, 2021 between 11:00 a.m. to 1:00 p.m. till the charge is framed and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is accordingly allowed and disposed off.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

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