

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.1324 OF 2021**

Momin Asadulla Akhtar

**.....Applicant/
Accused****V/s.**

The State of Maharashtra

(at the instance of Colaba Police

Station vide C.R. No.208 of 2019) **....Respondent***** * * ***

Mr. Prabhanjay R. Dave, Advocate for the applicant.

Mrs. Anamika Mahotra, APP for State.

API, Sudhakar Shitap from Colaba Police Station present.

CORAM: SANDEEP K. SHINDE, J.**Tuesday, 17th August, 2021.****P.C. :**

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

2. Applicant seeks his enlargement on bail in Crime No.208/2019 registered with Colaba Police Station for the offences punishable under Sections 370, 370(A), 366(A) and

Section 376 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5 and 7(1)(b) of the Immoral Traffic (Prevention) Act, 1956 (“PITA Act” for short) and Sections 4, 8, 12 and 17 of Protection of Children from Sexual Offences Act (“POCSO Act” for short).

3. On 21st December, 2019 establishment of hotel “Blue Light” was raided and the victims who were subjected to sexual exploitation within the meaning of Explanation-I appended to Section 370 of the Indian Penal Code, were rescued. Except one, all were major. The statement of minor victim shows that, she was brought into the establishment by one lady named, Rekha, whereafter crime in question was registered against the Manager and the applicant. Applicant was working as a Manager in the said Establishment. Except his presence on the establishment when the raid was conducted, *prima-facie*, the chargesheet does not suggest his role in trafficking of victims for their sexual exploitation. That even otherwise, the investigation is over and the chargesheet has been filed.

4. Mr. Dave, learned Counsel for the applicant submits that, Manager of the Establishment has been granted bail by this Court in Bail Application

No.205/2021. In consideration of the facts of the case and in the absence of criminal antecedents, the applicant is directed to be released on bail and hence the following order :

ORDER

(i) The applicant arrested in Crime No. 208/2019 registered at Colaba Police Station, shall be released on bail on executing P.R. bond for the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or more sureties in the like sum.

(ii) 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 orders.

(iii) The applicant shall furnish the details of his present and permanent residential address to the Investigating Officer within seven days 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.

5. The application is accordingly allowed and disposed off.

6. 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.

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(SANDEEP K. SHINDE, J.)

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