

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

ANTICIPATORY BAIL APPLICATION NO.1533 OF 2021

Manoj Kumar P. Raj & Ors.

.... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr. Atal B. Dubey, Advocate for Applicants.
- Smt. Anamika Malhotra, APP for the State/Respondent.
- Ms. Trupti Barade a/w Dr. Vipin Kumar a/w Krishna Dadhi, Advocate for original complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JULY, 2021

(Through video conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.115/2021 registered with Charkop Police Station on 30/03/2021, under sections 366(A), 372, 465, 467 of the Indian Penal Code and under section 4, 5, 9 of The Prevention of Immoral Trafficking Act (for short 'PITA')
2. The FIR is lodged by the prosecutrix herself. The FIR makes a very sad reading. The informant herself was driven into

prostitution from very early stage of her life by her own parents. Therefore, undoubtedly, the allegations are serious. The FIR goes on to mention as to how her parents had forced her into prostitution. She has given a long history of inhuman harassment, which she had to undergo at the hands of her own parents. The main allegations against the present Applicants are that the informant had left her parent's place and escaped from their control on 21/12/2020. At that time, all the Applicants followed her. Applicant Nos.2 and 3 are her parental aunts and Applicant No.1 is her uncle. They had followed her upto Bhaynder and they had beaten her. Because of that, the informant had lodged N.C.No.217/2020 at Navghar police station. There are allegations that the Applicants also beat the informant's friend and for that he had also lodged his separate complaint vide N.C. No.23/2021.

3. The FIR goes on to mention that the informant's mother demanded Rs.5 lakhs from her friend's mother for allowing the informant to lead a peaceful life.

4. Heard Mr. Atal B. Dubey, learned counsel for the Applicant, Smt. Anamika Malhotra, learned APP for the State and Ms. Trupti Barade, learned counsel for the informant.
5. Learned counsel for the Applicants submitted that the entire allegations are directed towards parents of the informant. Only reference to the Applicants' names is in respect of the incident dated 21/12/2020. Therefore, though the allegations in the F.I.R. are serious, those allegations have nothing to do with the present Applicants.
6. Learned APP produced investigation papers before me and in particular pointed out the supplementary statement given by the first informant.
7. Learned counsel for the informant submitted that the matter is serious. She submitted that the informant is getting threatening calls repeatedly and therefore the Applicants need to be arrested.

8. I have considered these submissions. As rightly submitted by learned counsel for the Applicants, the only allegation against the Applicant are regarding the incident dated 21/12/2020, for which N.C. is already lodged at Navghar police station. The allegations of driving the informant to prostitution, are specifically restricted against parents of informant and there are no allegations against the present Applicants in respect of that particular aspect. Even supplementary statement of the informant is restricted to incidents, when the informant and her friend were beaten.
9. I do not think in this particular case, the allegations against the present Applicants can be stretched to such an extent to bring their act within the ambit of the main offence u/s 366-A and 372 of IPC or under various provisions of PITA.
10. In my opinion, interest of justice will be served if the Applicants are directed to attend the police station regularly, so that there is sufficient check on their activities, and there is no further harassment to the informant at their hands.

11. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.115/2021 registered with Charkop Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station twice a week i.e. on Tuesday and Friday between 10.00 a.m. and 11.00 a.m., to mark their presence, till filing of the charge-sheet and then once in a fortnight for a period of one year from the date of filing of the charge-sheet. They shall cooperate with the investigation.
- (iii) In addition, the Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

- (iv) The Applicants shall not in any manner try to contact the informant.
- (v) Violation of any of these conditions shall enable the state to make an application for cancellation of this order.
- (vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)