

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

CRIMINAL BAIL APPLICATION NO. 1066 OF 2020

Sumit Anil Awate

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Satyavrat Joshi i/b Rohit S. Shevate, for the applicant,
Mr. S.H. Yadav APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 19th MARCH, 2021

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 90 of 2020 registered at Shivaji Nagar Police Station, Pune, on 06/03/2020 under sections 4 and 5 of the Prevention of Immoral Trafficking Act (In short 'PITA Act') and under section 370 of the Indian Penal Code. The applicant is arrested on 13/03/2020 and since then he is in custody.

2. Heard Mr. Satyavrat Joshi, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR was lodged by Police Constable Neelam Shinde. She has stated that her superior received secret information that one Monty was supplying girls and women for prostitution to Customers. The information also contained mobile phone number. Police decided to conduct raid. For that purpose, two panchas and a bogus customer were called. The bogus customer was given currency notes for making payment to the woman and also for taking a room in the hotel. The bogus customer made a phone call to the phone number which was mentioned in the information. The bogus customer was asked by the person answering phone to come at a particular hotel. He went there. Police party followed him. He was asked to give prearranged signal after he had dealing with one of the women.

4. Accordingly, on 6/3/2020, at about 7.45 p.m., the bogus customer came out of the hotel with a foreigner girl. Before that the bogus customer had informed that the hotel management was not permitting any foreigner to occupy any room in that hotel and therefore they were going to a different place. When the

bogus customer and woman came out, the police party stopped her. She gave her name. She told the police that she was a citizen of Uzbekistan and had come to India on tourist visa. She gave details as to how one Monty was arranging for customers and how the amounts were fixed and how they were distributed. She had given names of other five victims who were also indulging in similar activities with the help of aforesaid Monty. On this basis, the FIR was lodged. The applicant was arrested on 13/03/2020 and since then he is custody.

5. Shri Joshi, learned Counsel for the applicant submitted that the statements of victims do not name the present applicant and there is nothing to indicate that other than Monty anyone else has played any part in this racket. He, therefore, submitted that only because the applicant was associated with the main accused Monty in some way, he is arrested.

6. Learned APP opposed this application. He has relied on the statements of Shrirang Panchal and Paramtap Roy, who

were Managers of the hotel, were all the victim were put up by Monty. Shri Yadav also submitted that the phone number mentioned in the FIR was registered in the name of the present applicant.

7. I have considered these submissions and with the assistance of learned Counsel I have perused the charge-sheet. The copy of the charge-sheet annexed to this application, does not contain statements of Shrirang Panchal and Paramtap Roy. However, those statements are produced by learned APP. Copies of those statements are taken on record and marked "X colly" for identification.

8. The statements of victims are almost identical barring their backgrounds. They have stated that Monty had contacted them and he had arranged to receive them and he also had arranged for their stay in the hotel. Monty used to get customers. He used to pass on that information to the victims, who used to go with those customers. Majority of the amount was kept by Monty

himself. All these victims have stated that they had voluntarily contacted Monty and had accepted his offer. One of the victims had given name of one Kartik. There is nothing to show that this Kartik had any connection with the present applicant.

9. I have perused statements of Shrirang Panchal and Paramtap Roy. Their statements indicate that monetary part of the payment was looked after by Monty. On some occasions present applicant used to accompany Monty. Beyond that there is no reference to the present applicant. Therefore, at this stage, material in the charge-sheet against the present applicant is that (i) the phone number used in this offence was registered in the name of the present applicant and (ii) that he used to accompany Monty to meet the victims. The victims themselves have not attributed any role to the present applicant and in fact they have not even referred the present applicant. Therefore, at this stage, some doubt is created about his participation in the crime, except that his phone number was used. In this context, statements of the victims do not implicate him. Therefore sufficient doubt is

created regarding prosecution case against him. The applicant is already in custody since 13/3/2020. His further custody during entire period of trial will not serve any purpose. Therefore he can be granted bail in the present crime.

10. Hence the following order.

ORDER

- (i) In connection with C.R. No. 90 of 2020 registered with Shivaji Nagar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)