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

BAIL APPLICATION NO. 3339 OF 2021

Mr. Mohammad Fajil Rain ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr.Sanjeev Kadam i/b. Mr. Paras Yadav for the Applicant.
Mr. H.J.Dedhia, APP for the Respondent -State.

.....

CORAM : V.G.BISHT, J.
RESERVED ON : 29TH NOVEMBER, 2021
PRONOUNCED ON : 13TH DECEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 315 of 2021 registered with Wakad Police Station, Pune for offences punishable under Sections 370, 370 (3) read with 34 of the Indian Penal Code (the IPC) and Sections 3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

2. The prosecution alleges that on 6th April, 2021, informant PSI was attached to Wakad Police Station and received a secret information that the applicant and his employers, namely, Sunny Singh and Aisha are involved in prostitution racket and the applicant escorts the females to the clients and also collect monies from the clients and transfer the said monies to said Sunny and Aisha. Accordingly, a dummy customer made a call to co-accused Aisha who settled the deal and asked him to pay Rs. 5,500/- and fixed the spot of a meeting. Accordingly, the police and another staff members raided that spot. The applicant came in an auto-rickshaw bearing registration No. MH 14 HM 6773 along with a female and took Rs.5,500/- . After the raid was over, the applicant came to be arrested and the First Information Report came to be lodged.

3. Mr. Kadam, learned Counsel for the applicant, submits that the investigation is over. There is nothing to be recovered from the applicant. Having regard to the nature of accusation, the custody of applicant is not required. There are

no other criminal antecedents. The trial may take its own time. In such circumstances, the applicant may be enlarged on bail.

4. Mr.Dedhia, learned APP, on the other hand, opposes the submissions by contending that having regard to the nature of offence, lenient view should not be taken against the applicant and the application is liable to be rejected.

5. There are statements of witnesses who support the case of prosecution and the involvement of applicant in the offence. However, it is also apparent from the record that the investigation is completed and the charge-sheet has been filed. No other antecedents are forthcoming. The trial may take its own time. Moreover, the nature of accusation does not warrant the continued custody of applicant behind the bars and therefore, no purpose will be served by keeping the applicant in jail.

6. In view of above, I am inclined to allow the application.

Hence, the following order :

ORDER

(i) Applicant- Mohammad Fajil Rain shall be released on bail in C.R. No. 315 of 2021 registered with Wakad Police Station, Pune on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The applicant shall not indulge into any similar activities.

(iv) Bail before the trial Court.

(v) It is made clear that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(vi) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vii) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V.G.BISHT, J.)