

Anand

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

BAIL APPLICATION NO. 2018 OF 2019

**Nisha
S.
Chitnis**

Tarashankar @ Anand @ Anilda Pashupatkar .Applicant

Vs.

The State of Maharashtra .Respondent

Digitally signed
by Nisha S.
Chitnis

Date:
2021.01.22
16:53:41 +0530

Ms Tahera Qureshi, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.01.2021

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 29 of 2016 registered with the Mira Road Police Station, Thane, for the alleged offences punishable under Sections 366(A), 370(3)(4), 372 r/w 34 of the Indian Penal Code; under Sections 3, 4 & 5 of the Immoral Traffic (Prevention) Act and under Section 11(6), 12 of the Protection of Children from Sexual Offences Act.

3. Learned counsel for the Applicant submits that the

Applicant has already undergone five and half years of imprisonment, out of the maximum imprisonment i. e. ten years that can be awarded in the event, the Applicant is held guilty of the offence. She submits that till date, charge has also not been framed in the said case. According to the learned counsel, the Applicant has no antecedents and that his wife co-accused – Priya Kar has already been released on bail.

4. Learned APP opposed the Application.

5. Perused the papers. From the prosecution case, it appears that on the basis of the secret information, Social Services branch raided the residential premises of the Applicant on 15.02.2016. In the raid, the police rescued two girls from the Applicant's residence. Pursuant thereto, the statements of the victim girls were recorded. Out of which, one girl is about 20 years of age. She has stated that the Applicant called her and her friend and assured to give them a job, pursuant to which they went to Room No. 601, Ostwal Garden at Meera Road, Thane. The said house belonged to the Applicant and his wife – Priya Kar (co-accused). According to the victim girls, they were shown to the customers and were forced into prostitution. It appears that as the police reached the premises in time and raided the said premises, the girls were

rescued. It is the prosecution case, that one of the girls is about 16 & ½ years of age, which fact is disputed by the learned counsel for the Applicant. The Applicant's wife – Priya Kar who is also alleged to have induced the girls into prostitution and accepted money from the customers, has been released on bail, by this Court (Coram : Smt. Sadhana S. Jadhav, J.) vide order dated 25.01.2017. The Applicant is in custody since 15.02.2016 i. e. for about five years. Investigation is complete and charge-sheet is filed. Till date, charge has not been framed in the said case. The Applicant has no antecedents.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on the **first Sunday of every month** between **10:00 a. m. and 12:00 noon** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to co-operate with the conduct of the trial and attend the trial Court on all the dates, unless exempted;

(vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the Registry of the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

order.

All concerned to act on the authenticated copy of this order
digitally signed by Personal Assistant / Private Secretary.

(REVATI MOHITE DERE, J.)