

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 251 of 2021

[Sabita @ Sambha Satish Gore ..vs.. The State of Maharashtra through P.S.O., P.S. Chandrapur City,
Tq. & Dist. Chandrapur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. D. Hajare, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 09-09-2021

The applicant is seeking bail in connection with Crime 479/2018 registered with Police Station, Chandrapur City for the offences punishable under Sections 3, 4, 5, 6, 7 and 9 of the Immoral Traffic (Prevention) Act, Sections 366-A and 370-A of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

2. In brief, the case of the prosecution is that pursuant to the information received from a non-governmental organization that the applicant is running a brothel and forcing minor girls into prostitution, the premises of the brothel was raided. While the applicant fled from the spot, the two women who are apprehended disclosed that the applicant was the kingpin and the

“proprietor” of the brothel. Two minor girls were rescued from the brothel.

3. I have perused the statements of the minor girls, which are to the effect that they were forced into prostitution and any attempt to flee was met with severe assault with stick. I have also perused the other statements which are recorded.

4. The learned counsel invites my attention to the statement of the mother of one of the victims to buttress the submission that the victim was a willing participant. The submission is noted only for rejection. Considering the age of the victim, such a submission need not detain the Court even for a second.

5. The evidence on record is overwhelming. The accusation is extremely grave and if the trial culminates in conviction, the punishment may be extremely severe. The applicant was earlier prosecuted for similar offence vide Crime 135/2014 and while the prosecution could not bring home the charge, the submission of the learned

Additional Public Prosecutor Mrs Deshpande is that the propensity to indulge in crime is clearly discernible.

6. It is further submitted by the learned Additional Public Prosecutor that the applicant fled when the brothel was raided and absconded and it was after two years and three months that she was arrested on 3-9-2020. It appears that the applicant is a permanent resident of the State of Telangana and was temporarily at Chandrapur in connection with her illegal venture of running brothel. The apprehension of the prosecution that she would not be available to face the trial, is well founded.

7. From no angle, can any discretion be exercised. The application is dismissed.

JUDGE