

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

Criminal Application (BA) No. 738 of 2021

[Rushali S/o Pralhad Gire ..vs.. State of Maharashtra through PSO, PS Khadan, Akola, Tq. and
District Akola]

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

Court's or Judge's orders

Mr. Ved R. Deshpande, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 09-09-2021

The applicant is seeking bail in connection with Crime 763/2021 registered with Police Station, Khadan, Tah. and District Akola for the offences punishable under Sections 3, 4, 5 and 9 of the Immoral Traffic (Prevention) Act ('Act' for short).

2. The prosecution case is that secret information was received by Police Inspector Vilas Ramesh Patil at 7.30 p.m. on 17-6-2021 that the applicant and co-accused Umesh are running brothel from building known as 'Sai Residency' situated at Malkapur, Akola. Acting on the information, the raiding squad, accompanied by two panchas and dummy client, prepared for the raid. Panch 1 and the dummy client went to Apartment 204 at

Sai Residency building. One woman, who was present there, took them to a room in which two girls and one man was present. The woman insisted on payment of Rs. 2,000/- per girl and under the pretext of arranging the amount, panch and dummy client left the brothel and contacted the raiding squad. The raiding squad handed over to the dummy client four currency notes of Rs. 500/- each, the dummy client went to the brothel with the money and then gave the predetermined signal pursuant to which the brothel was raided. The woman who had negotiated with the dummy client disclosed her name as Rushali Gire, the applicant herein. She was apprehended. In her bedroom, the raiding squad found a half naked woman who was present with the dummy client and she disclosed her name as Reshma. In another bedroom, a half naked woman was found and she disclosed her name as Ms. "MKN" and at that time she disclosed her age as 19. The birth certificate and the school leaving certificate and other relevant documents show that she was hardly 16 years age at the time of the raid. The man who was present in the brothel fled and

his name was disclosed by the apprehended accused as Shubham Khadekar.

3. I have perused the material in the case diary including the panchanamas and having done so, I am satisfied that there is overwhelming material on record to *prima facie* suggest that the applicant is involved in commission of a serious offence.

4. It appears that the first information report which is registered makes a reference to limited provisions of the Act, since it was not within the knowledge of the Investigating Officer that Ms. "MKN" was aged hardly 15 years. During the course of investigation, the provisions of Sections 370 and 376(3) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act are invoked and the Child Welfare Committee, Akola is requested to record the statement of the victim. The statement of the child victim is recorded by the District Child Welfare Committee, Akola. According to the child victim the present applicant took advantage of her poverty and under the pretext of securing a job as maid servant, induced her to come to

Malkapur. The child victim resided in the house of the applicant. The applicant gained her confidence and then she was first raped by the co-accused Umesh and then her nude photographs were clicked. The applicant and the co-accused, both blackmailed her by threatening to make public the nude photographs and then forced her into prostitution.

5. In my considered view, the allegations are extremely grave and the alleged offence is heinous. The child victim is alleging that she was initially lured into residing with the applicant, who promised her an honest job as maid servant, then she was raped by the co-accused, her nude photographs were clicked by the applicant and co-accused and then she was forced into prostitution.

6. By no stretch of imagination, can any discretion be shown. The application is dismissed.

JUDGE