IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1813 OF 2022

GANESH NANDKUMAR VADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sachin S. Panale
APP for Respondent No.1 : Mr. A. A. Jagatkar
Advocate for Respondent No.2 : Ms. Laxmi R. Thakur

CORAM : S. G. MEHARE, J.

DATE : 06-12-2022

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent No.1/State and the learned counsel for the first informant.

2. The applicant has been arraigned as an accused in the crime with allegation that he was the agent in consideration, to reach decoy customer to the place where the main accused was running brothel.

3. The learned counsel for the applicant would argue that the prosecution has no evidence against the applicant that he was taking the amount directly from the customer and earning for his livelihood from the prostitution. It was a sole crime registered against him. The alleged victim did not state that she was forced for prostitution on consideration. Considering his role, he is entitled to bail.

4. The learned A.P.P. for the respondent/State has strongly opposed the application. He would submit that the condoms were found in his possession. The victim is a minor. Since the applicant was dropping the decoy customer at the brothel, he was involved in keeping the minor girls in prostitution.

5. The learned counsel for the first informant/social worker attached with N.G.O., has vehemently opposed the application. She would argue that the money paid to the applicant was recovered from him. It is a self explanatory proof of his livelihood from the prostitution income. The victim was 16 years old. She referred to the order passed by this Court, in the case of *(i) Babita Sandeep Sharma Versus the State of Maharashtra and others, in Criminal Application Nos. 2262 of 2022 and another case, dated 14.01.2022 and (ii) Tarabai Lakshman Bajad Vs State of Maharashtra, 2020 All MR (Cri) 370*. The offence is serious. The applicant was involved in the illegal business of prostitution and was compelling the girls to be in the prostitution. She has vehemently argued that considering the role attributed to the applicant, he is not entitled to bail.

6. Perused the chargesheet and the case laws relied upon by the learned counsel for respondent No.2/first informant.

7. It is not in dispute that the role attributed to the applicant was that he dropped the decoy customer on the place where the

co-accused was running the alleged brothel. There are no antecedents to his discredit. This Court, in the case of *Tarabai (supra)*, rejected the bail for the reason that the brothel was owned by the said lady. The facts of the case of *Babita* (*supra*) are altogether different. This is a solitary incident against the applicant. The investigation has been completed. Nothing is to be recovered from the applicant.

8. Considering the material collected against the applicant and role attributed to him, the Court is of the view that the applicant has a good case for bail on merit. Hence, the following order:-

i) The application is allowed.

ii) Applicant – Ganesh s/o. Nandkumar Vade, be released on bail, on furnishing PB and SB of Rs.15,000/-, with one solvent surety of the like amount, in C.R.No.601 of 2022 registered with Topkhana Police Station, District Ahmednagar, for the offence punishable under Section 370 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5, 6 of the Immoral Traffic Prevention Act and Sections 4, 6, 8 of the Protection of Children from Sexual Offences Act, 2012, on the conditions that he shall not tamper with the prosecution witnesses, does not involve in the similar offence and leave his place of residence without permission of the court till conclusion of the trial.

(S. G. MEHARE)
JUDGE

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