

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL APPLICATION (BAIL) NO.1 OF 2022.**

PRAVIN BORATE, THR.
RAVI DANNALAL RAJAK

...Applicant.

VS
STATE OF GOA, THR.
ANJUNA POLICE
INSPECTOR, ANJUNA
POLICE STATION, ANJUNA
AND ANR

...Respondents

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate for the applicant.

Mr. P. Faldessai, Addl. Public Prosecutor for the respondents.

CORAM: MANISH PITALE, J.

Date: 28th JANUARY, 2022

P.C.

Heard Ms. A. Agni, learned Senior Counsel for the applicant.

2. This is an application for bail in connection with FIR no.149/2021 registered on 7.11.2021 for offences under Section 370(A) (2) of Indian Penal Code and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.
3. In this case, the allegations against the applicant are that he was instrumental in sexual exploitation and bringing into prostitution of atleast four victims, as per the material brought on record.

4. The applicant was arrested on 7.11.2021 for the alleged offences. There is another accused person in the present case. The investigation was completed and chargesheet was filed on 4.1.2022.

5. The learned Senior Counsel appearing for the applicant submitted that even if statements of the victims were to be taken into account, the ingredients of the alleged offences were not made out. It was submitted that at the most Section 4 of the Immoral Traffic (Prevention) Act, could be said to be made out and said offence carries sentence of only two years. It is submitted that there are no criminal antecedents against the applicant and, therefore he is entitled to be enlarged on bail.

6. On the other hand, Mr. P. Faldessai, learned Addl. Public Prosecutor emphasised upon contents of the statements of the victims in the present case. It was submitted that the victims had clearly stated that it was the applicant who lured them by stating that he would provide them work as prostitutes. It is stated that he used to take commission from the victims when they would entertain customers. It is submitted that such statements do indicate a strong prima facie case against the applicant and that it would not be in the interest of justice to enlarge the applicant on bail.

7. This Court has considered the material on record. Perusal of the statements of the victims shows that except one victim, all the others have not only stated that the applicant told them that he would provide work of prostitution for them but they specifically stated regarding amount of commission being charged by the applicant for each customer. Even the victim who did not speak about the commission being charged by the applicant, stated that it was indeed the applicant who offered work of prostitution to her, which she accepted as she was in need of money.

8. Such statements of victims do show that the applicant did play an active role in the sexual exploitation of the victims, who appeared to have agreed for the same because they were in need of money. The alleged acts of the applicant do indicate prima facie ingredients of the said offences and, therefore, the applicant does not deserve to be enlarged on bail. Hence, the application is dismissed.

MANISH PITALE J.