

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4137 OF 2021

Naresh Raju Rao

Applicant

versus

The State of Maharashtra

Respondent

Ms.Ankush Dhokale with Mr.Ritesh Kuril i/by Mr.Keshav Chavan,
Advocate for applicant.

Ms.PN.Dabholkar, APP, for State.

PSI V.M.Khिलारे, Oshiwara Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th October 2022

PC :

1. This is second application for bail in C.R No.162 of 2017 registered with Oshiwara Police Station, Mumbai. The FIR was lodged on 16th May 2017. Offences were registered under Sections 366-A, 370-a, 370(1)(3) read with 34 of Indian Penal Code as well as under Sections 4 and 5 of Immoral Traffic (Prevention) Act, 1956 ('PITA Act') and under Sections 4, 8 and 17 of Protection of Children from Sexual Offences Act ('POCSO Act').

2. The prosecution case is that the complainant is attached to Social Security Branch. On 26th May 2017 information was received from reliable source that a person by name Naresh having his mobile No.9588434819 is indulging in a prostitution racket and on the basis of the said information, Police decided to lay a trap. One Amit Jalan deputed as bogus customer. Mr.Jalan contacted the applicant on the aforesaid mobile number. Applicant informed him that for providing

a girl for prostitution an amount of Rs.30,000/- will be charged. Meeting was arranged at CCD Hotel at Oshiwara, Jogeshwari, Mumbai. The applicant-accused agreed to visit the said place along with the girls. The information was passed on to police. Trap was laid. The raiding party visited the spot. After reaching the CCD Hotel, it was noticed that one person along with four girls were found discussing with each other. The pancha indicated about the same to the police team, and accordingly the applicant and the girls were intercepted by the police. When Mr. Jalan had approached the applicant, he demanded an amount of Rs.30,000/- for providing girls. He handed over bundle of Rs.30,000/- and was informed to take the girls at the guest house. At that time the accused was arrested.

3. Previous application was rejected by this Court vide order dated 11th October 2018. The applicant is in custody for a period of about 5 years and 5 months. The victims were rescued. Three of them were major and one was minor. The minor victim has given her age as 17 years and 8 months. There is no radiological test report on record, although test was conducted in respect of other ladies who were undisputedly major.

4. Learned APP submitted that Aadhar Card of the victim is on record, which mentions that minor victim was born in 1999. Surprisingly exact date of birth is not reflected on Aadhar Card. The record indicate that before victims were exploited, police reached the spot and victims were rescued.

5. Previous application was rejected by this Court, however,

thereafter four years have passed. There is no progress in the trial. Charge is not yet framed. Charge was framed on 15th January 2015 and the matter is fixed for filing documents. Thus, there is no progress in the trial. The applicant is in custody for 5 years and 5 months. It is not reported that there are criminal antecedents against applicant. Hence, bail can be granted to the applicant.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with C.R No.162 of 2017 registered with Oshiwara Police Station on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of sureties;
- (iv) The applicant shall report Oshiwara Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (v) The applicant shall not tamper with evidence and contact with prosecution witnesses;
- (vi) The applicant shall attend Trial Court on dates of hearing regularly, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST