

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2827 OF 2021

Renuka Avinash Naidu ..Applicant
Vs.
The State of Maharashtra & Anr. ..Respondents

Mr. Aniket U. Nikam i/b. Mr. Vivek N. Arote, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.

MAMTA
AMAR
KALE
Digitally
signed by
MAMTA
AMAR KALE
Date:
2022.03.09
13:03:15
+0530

CORAM : C.V. BHADANG, J.
DATE : 8 MARCH 2022

P.C.

. By this Application, the Applicant – Accused is seeking release on bail in Crime No.359/2019 of Police Station Faraskhana, Pune City, under Section 370, 370(A)(2), 366-B, 372 and 373 r/w. 34 of IPC and Section 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 and Section 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. The aforesaid crime is registered on the basis of the complaint lodged by API Aarti Bapurao Khetmali on 28 September 2019. According to the informant, on a prior information, a raid was

conducted on 28 September 2019 at house No.1035, Navin Sagar Building, Budhwar Peth, Pune, in which the Applicant is alleged to be running a brothel. During the raid, 6 to 7 girls were found sitting in the said premises. One of the girls who is stated to be minor, aged about 16 years was found hiding under a wooden khot, in a room behind partition. She was rescued and on inquiry, she was found to be resident of Gulshan, Thana Putia, District Chitagang, Bangladesh. During the course of investigation, it was found that the Applicant was running the said brothel and the girls including the victim resident of Bangladesh was forcibly introduced in the flesh trade. In this case, after investigation, a chargesheet is filed.

3. I have heard the learned counsel for the parties. Perused record.

4. This Application was adjourned in order to enable the learned APP to go through the record and to make a statement whether there is any material collected during the course of investigation to show that the Applicant was owner or was in possession or was in any way connected with house No.1035. Today, the learned APP has submitted that there is no such material except a sale deed dated 13 February 2014 which is produced on record. That sale deed is between the vendors Sagar Shivajirao Khanwilkar and Deepak Babanrao Khanwilkar registered in favour of one Siddharth Arvind

Khole. It appears that during the course of investigation, the statement of Sagar Khanwilkar was recorded on 15 October 2019 who has stated that he had developed the property in the year 1991 by construction of flats and shops and the house No.1035 was sold on 13 February 2014 to Siddharth Khole. It can thus *prima facie* be seen that at this stage, there is no material to show that the Applicant was the owner or was in possession of the said premises from where the minor victim was rescued.

5. The Applicant was arrested on 28 September 2019. The trial is yet to commence. The victim is stated to be lodged in an Observation Home. The investigation is complete and the chargesheet is filed.

6. Considering the over all circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Renuka Avinash Naidu, be released on bail in Crime No.359/2019 of Police Station Faraskhana, Pune City, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two local sureties, in the like amount.

(iii) The Applicant shall furnish her native place address of Tamilnadu as well as her address in Pune alongwith proof, before the Special Court.

(iv) The Applicant shall undertake to remain present before the learned Special Court during the course of trial, unless exempted.

(v) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.

C.V. BHADANG, J.