

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2765 OF 2021

Raju @ Rajlallan Kaluprasad Sahu	Applicant
Versus	
The State of Maharashtra & Ors.	Respondents

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Ms. Shubhangi Parulekar, Advocate for the Applicant.

Mr. N. B. Patil, APP for the Respondent – State.

Ms. Sonali R. Chavan i/by Dr. U. P. Warunjikar, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th OCTOBER 2022

PC :

1. The applicant is arrested on 7th February, 2020 in connection with C.R. No. 70 of 2020 registered with Dehu Road Police Station District Pune for offence punishable under Section 376 of the Indian Penal Code, Sections 3 and 4 of Protection of Children from Sexual Offences Act and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956.

2. The case of the prosecution is that Smt.Jyoti Digvijay Pathaniya lodged the complaint alleging that the victim in C.R. No.719 of 2019 was kept in Chaitanya Mahila Mandal Ashram,

Pune for the protection and care upon the orders of Child and Welfare Committee, Pune. Upon counselling, the victim told the complainant that she had an Instagram account by name “Dolly Pawar”. She got acquainted with Mr. Anil Waghchaure and they became friends. Thereafter, she became friend with Lavanya Lengaloo. Lavanya was visiting her house. The victim’s mother had gone to Mumbai and her father was at work place. She was alone at home. She called her friend Lavanya. Mother of Lavanya (Kartiki Lengaloo) visited victim’s house. Lavanya left with her mother. In December 2019, her friend Anil Waghchaure was in need of money. He demanded Rs.1,000/- from the victim girl. She visited the house of Lavanya. Her mother was at home. The victim told her that she is in need of money. Lavanya’s mother had enquired about her age. She told victim that she would not get job. She will have to indulge in prostitution. She was induced to indulge in prostitution. Lavanya told her that she will have to relationship with person named Deepak. She was given address of lodge. Lavanya dropped her near the lodge. She went to the lodge. She met person name Raju. The victim disclosed her name to him as Dolly. The victim met her friend Manasi. Raju took the victim to room. Thereafter, Deepak came to the room. She

disclosed her name as Dolly and gave her age as 18 years. The said person gave his name as Deepak. He had physical relationship with her. He gave her Rs.3,000/-. The worker from the lodge Raju came to her and enquired whether she wants another customer. She agreed for the same and thereafter, Raju sent other customers. They had physical relationship with the victim. They gave her money. Part of amount was taken by Kartiki Lengaloo (Mother of Lavanya). On 28th December, 2019, her friends came to meet her. The victim took them to lodge. Victim and Atul Khedkar stayed in one room and her friend and Manasi stayed in another room. Atul Khedkar had physical relationship with victim.

3. The applicant preferred an application for bail before the Court of Sessions. The said application was rejected vide order dated 24th February, 2021.

4. Learned Advocate for the applicant submitted that investigation is completed and charge-sheet is filed. The Applicant is in custody from 7th February, 2020. There is delay in lodging the First Information Report. There are no criminal antecedents against the applicant. Initially C.R. No. 719 of 2019 was registered with Chikhali Police Station at the instance of father of

victim. However, in the statement of the victim recorded in C.R. No.719 of 2019, she had not alleged anything incriminating against applicant. Kartiki Lengaloo was arrested in C.R. No.719 of 2019. She has been granted bail in said case by this Court vide order dated 7th October, 2020. The victim had not alleged that the applicant had forced her to indulge in prostitution. Co-accused Manasi @ Pooja Anil Hadawale is granted bail by the Court of Sessions vide order dated 19th January, 2021.

5. Learned APP and learned Advocate for Respondent No.2 submitted that offence is of serious nature. The victim was minor. She was forced to indulge into prostitution. Specific role has been attributed to the applicant. The applicant has no permanent place of residence.

6. Learned Advocate for the Applicant further submitted that in the event, bail is granted to the applicant he would reside at flat No. 604, 'A' wing, Blue Dies Housing Society, Patil Nagar, Chikhali, Pune.

7. C.R. No.719 of 2019 was registered with Chikhali Police Station, Pune. The victim in the said case was kept at Chaitanya Mahila Mandal pursuant as per order of Bal Kalyan Samiti for protection and care. While the victim was residing at

the said place, she disclosed the incident which is subject matter of the present FIR to the complainant which has resulted in registration of C.R. No.70 of 2020. From the FIR in the present case, it appears that co-accused Kartiki Lengaloo induced the victim to indulge in prostitution. The FIR indicates that the victim went to the lodge. She gave her age as 18 years. The applicant was allegedly working in the said lodge and with the alleged consent of the victim he sent customers to the room occupied by victim. Kartiki Lengaloo was arrested in C.R. No. 719 of 2019. She has been granted bail by this Court vide Criminal Bail Application (Stamp) No.2236 of 2020 by order dated 7th October, 2020. During the course of investigation, the statement of victim girl was recorded on 13th February, 2020. She has stated that on 22nd December 2019, she visited the house of her friend. She got acquainted with Anil Waghchaure. In December 2019, he had physical relationship with victim. He used to demand money with her. She told her friend Lavanya she is in need of money. The victim was called by one Deepak to the lodge. She was dropped to the lodge by Lavanya. Her friend Manasi was also there. Lavanya handed over the victim to Manasi. She was taken to the lodge by Manasi. Person named Raju gave her room. They went to

different rooms. One person Deepak had physical relationship with her and gave her money. Raju asked her about sending more customers. She agreed and thereafter, Raju sent other customers. The victim had physical relationship with them. They gave her money. Manasi was arrested and granted bail by the Court of Sessions. The role attributed to the applicant is that he was present at lodge where the victim was taken by co-accused and he sent customers to the victim with her consent. C.R. No.719 of 2019 was registered on 29th December, 2019 with Chikhali Police Station under Section 363 of IPC. It was registered at the instance of father of victim girl. The Statement of victim girl was recorded in the said FIR on 11th January, 2020. In the said statement it was stated that Lavanya and her mother induced the victim to indulge in prostitution. The applicant is in jail since two and half years.

8. Considering the aforesaid circumstances, 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.70 of 2020 registered with Dehu Road Police Station, District Pune on executing P.R. 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;

(iv) The applicant shall file an affidavit while executing bail bond before the Trial Court stating his place of residence where he would reside after being released on bail;

(v) The applicant shall not tamper with evidence;

(vi) The applicant shall attend Trial Court proceedings regularly unless exempted by Trial Court.

(PRAKASH D. NAIK, J.)

Digitally signed
by
DNYANESHWAR
ASHOK ETHAPE
Date: 2022.12.08
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