

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Bail Application No. 2884 of 2021**

Vijay Pralhad Kakade ... Applicant
v/s.
The State of Maharashtra & anr. ... Respondents

Mr.Kalepsh U. Patil for the applicant.
Mr. P.H. Gaikwad, APP for the State.
Mr. A.Z. Mookhtiar for Respondent No.2.

CORAM : G.A. SANAP, J.

06th May 2022

P.C.

The applicant who is arrayed as Accused No.3 in Crime No.274/2020 registered at Chiplun Police Station for the offences punishable under Sections 376(2)(n),366(A),370(4) of the Indian Penal Code and Section 4,8,12 of the Protection of Children from Sexual Offences Act and Section 3,4,5 and 7 of the Immoral Traffic (Prevention) Act, 1956, has made this application for bail.

2. In short, it is the case of the prosecution that the Accused No.1 sexually abused the victim – minor girl on multiple occasions. She was made to indulge in prostitution. The accused No.3 is running a hotel in the name and style of Kushal Regency. It is stated that the

Accused No.3 made his hotel available and forced the victim girl into prostitution. The accused No.3 acted as a Dalal and exploited the minor victim. It is the case of the applicant that he has not committed any crime. No specific role in commission of the rape has been attributed to him. He being the owner of the hotel where the alleged offence took place, could not be the ground to prosecute him and after prosecution keep him in prison for a indefinite period. It is submitted that this crime does not warrant his incarceration in prison. He is ready to comply all the conditions that may be imposed by the Court.

3. Learned APP submitted that the Accused No.3 is a part of a syndicate which has forced the victim into prostitution. Learned APP submitted that victim and her sister are from Calcutta. The possibility of tampering with the prosecution evidence and applying the pressure on the victim and her sister cannot be ruled out if the accused is enlarged on bail.

4. In order to appreciate the rival submissions, I have perused the record and proceedings. Statement of the victim was recorded under Section 164 of the Cr.P.C. by the learned Magistrate during the course of investigation. The victim in the statement under Section 164 has narrated about her plight with vividity. The victim and her sister are from Calcutta. The crime committed is serious. The evidence compiled in the chargesheet after investigation prima-facie indicate the

role of the Accused No.3. Role of the Accused No.3, if prima-facie appreciated, would indicate that he made his hotel available to ravish the victim girl.

5. In the facts and circumstances brought on record it is not possible to conclude at this stage that the role attributed to Accused No.3 is not serious. In my view it would be in the interest of prosecution and more particularly in the interest of victim, in the teeth of such serious allegation, not to grant the indulgence sought for by the accused. The seriousness of the crime, the vulnerable position of the victim girl and the prima-facie evidence compiled in the chargesheet indicate that this is not a fit case to enlarge the applicant on bail. Before parting with the matter, I may mention that the two bail applications made by the accused have been rejected by the learned trial Judge. The learned trial Judge in the order has recorded the reasons for not granting bail to the accused. In my opinion, the said grounds and reasons still hold good.

6. In view of this position, I find that no case is made out to enlarge the applicant on bail. The application, therefore, stands rejected. It would be proper for the accused No.3 and other co-accused to make a request to learned Judge for expeditious hearing of the trial.

(G.A.SANAP, J)