

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1963 of 2022

Vinod P. Jain .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms. Gayatri Gokhale and Akshay Bafna, Akanksha Tipnis for the applicant.

Ms. A. A. Takalkar, APP for the State.

PI Rahul Kumar Patil from Waliv police station.

CORAM: BHARATI DANGRE, J.

DATED : 25th JULY, 2022

P.C:-

1 Heard Advocate Gayatri Gokhale for the applicant and learned APP Ms. Takalkar, for the State.

2 The applicant face accusation in C.R.No. 127/2022 registered with Waliv Police Station for the alleged offence u/s. 366, 376, 370, 370(A), 370(3), 370(4) of IPC r/w Section 4, 5 of the PITA Act and Section 4, 16, 17 and 18 of POCSO Act.

3 The learned counsel would submit that the applicant is into the business and is resident of Karnataka and he has no criminal antecedents to his credit. She would submit that the name of the applicant do not feature in the subject FIR and on

completion of investigation, charge-sheet came to be filed before the Sessions Court, Vasai and the case is registered as Special Case No.111/2022 and thereafter, he was arraigned as an accused.

Submitting that the event leading to the raid in Vasai had no connection with the presence of the present applicant in Pune, the learned counsel would submit that on the investigation being completed, the custodial interrogation of the applicant is not necessary.

4 The learned APP has invited my attention to the material compiled in the charge-sheet, which would reveal that the raid was conducted on receiving secret information in Vasai, where certain minor girls were found to have been induced in prostitution. The offence came to be registered under the relevant provisions of law. During investigation, the investigating team was led by accused Salma Rafiq Shaikh @ Salma Tanveer Shaikh to the present applicant, resident of Karnataka. Two girls, one major and one minor were arranged by the said accused persons for the present applicant, and she stated that the two girls were taken in the room of a hotel situated on Mumbai Bangalore highway, by the present applicant and he committed sex with them. The spot panchnama of the said hotel room came to be conducted and included in the charge-sheet.

5 The learned APP has invited my attention to the statement of the Manager of the said Hotel, who has tendered the

register of the hotel where the applicant had booked the room and his Aadhar card as well as other documents confirm that the applicant had booked the said room. The panchnama of the CCTV footage dated 9/2/2022 refer to the presence of the applicant and the two girls entering into the room and since the investigation has revealed that the girls were minor, the applicant has been accused of offences under the relevant provisions of POCSO Act as well as under Section 376 of the IPC. The statement of the owner of the hotel confirm his presence in the hotel on 31/1/2022, where he booked room no.304 for himself and one room for his two friends, since he informed that they are likely to visit the hotel for some meeting. Thereafter, three women wearing burkha came into the hotel and were informed that there was a room booked for them. They tendered their I.D cards, reflecting that their age was above 18 years. However, the investigation reveal that the said I.D cards are fictitious.

Considering the recording of the CCTV footage in the panchnama, where the two minor girls have been identified, and they had entered the room of the applicant where he committed sexual intercourse with them, the custodial interrogation of the applicant is very much necessary.

Application is rejected.

(SMT. BHARATI DANGRE, J.)