

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2299 OF 2021

Hem Bahadur Hamal @ Hira ...Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Arvind M. Bhalerao a/w Mr.Vikrant Shivdas for the Applicant.

Mrs.M.R. Tidke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 23 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.65 of 2021 registered with Hinjewadi Police Station, under Section 366(A), 370(1)(a) of Indian Penal Code, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 29 January 2021 of PI Hinjewadi Police Station, Pimpri-Chinchwad City.

3. According to the informant he had noticed a social site www.punecityescort.com claiming to provide girls for prostitution. The social site also provided two mobile numbers.

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Accordingly the informant and the Police Staff arranged for two panchas and a decoy customer Bharat Shivaji Chougule and a correspondence was made via whats app communication to the mobile number mentioned on the social web site when there was a reply stating that the girls can be provided. Thereafter the Police party went and raided Room No.104 of Vibrant Stay, Hinjewadi, near Laxminagar at about 12.33 a.m. on 28 January 2021 in which about 7 girls of different age group were rescued. According to the prosecution one of the girls was a minor aged about 15 years. The investigation was carried out and after investigation a charge-sheet is filed against six accused, out of which Accused No.1 Arjun Prem Malla was arrested.

5. According to the prosecution it was revealed during the course of the investigation that a person called Hira @ Hira Seth had brought the girls to Pune and had engaged them in prostitution. According to the prosecution the Applicant is the same person called Hira @ Hira Sheth.

6. I have heard the learned counsel for the parties. Perused record. The private Respondents could not be served inspite of efforts for want of their whereabouts.

7. The record discloses that on 14 January 2022 the Application was adjourned in order to enable the learned

Additional Public Prosecutor to take instructions about availability of the private respondents, who are the victims and whether victims claim to have seen the Applicant, so that the identification can be established.

8. The record discloses that except the witnesses referring to a person called Hira @ Hira Sheth *prima facie* there is nothing to show that it was the Applicant who had brought the girls for the purpose of prostitution. The interim protection is operating for more than a year now. The investigation is complete and the charge-sheet is filed.

9. In such circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.65 of 2021 registered with Hinjewadi Police Station, the applicant-Hem Bahadur Hamal @ Hira, shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall report to the Investigating Officer on 28 and 29 March 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The Applicant shall produce his permanent address along with before the Investigating Officer.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.