

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.3612 OF 2021**

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Anil @ Sunil Uttam Sahu

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. Prabhanjay Dave for the Applicant.

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

Mr. Jitendra Patil, PI, Kashimira Police Station present.

CORAM: BHARATI DANGRE, J.**DATED : 27th JULY, 2022****PC:-**

1. The applicant is charge-sheeted for the offence punishable under Section 370 read with Section 34 of the Indian Penal Code and Sections 4 & 5 of the The Immoral Traffic (Prevention) Act, 1956 (PITA for short) in CR No.288 of 2021 registered with Kashimira Police Station.

2. When the charge-sheet is perused, which refer to, a secret information received, to the effect that Accused No.1 provide girls for prostitution through an internet site, a trap was led by planting a bogus customer. On the trap being led, a girl aged about 30 years was rescued and this led the investigating team to the present applicant. The applicant is accused of working for wanted accused and it is alleged that on his instructions, he has taken the victim woman to various places, for being engaged in prostitution.

3. During the course of investigation, the statement of the girl who has been rescued, is recorded under Section 161 of the Cr.P.C., where she has stated, that she is a resident of West Bengal and presently residing in Thane alongwith her husband i.e. the applicant. She state that from last 7-8 years back, she came to Mumbai from Gujarat and earlier she was married with one man when she was 15 years old and she has two children. She was introduced to the applicant and started residing with him and since she was in need of money, she got into the activity of prostitution, in which the applicant is rendering assistance.

4. In the wake of the said statement, particularly when the applicant is accused of Section 370 of the IPC, which contemplate the distinct mode by which a person recruits, transports, harbours, transfers, or receives a person or persons to commit the offence of trafficking, none of the said act is attracted.

As far as Section 4 of the PITA is concerned, it is punishable with imprisonment of maximum two years and as far as Section 5 is concerned, in the wake of the statement of the woman who has been rescued, that she was not induced by the applicant, not it is the case of the prosecution that under some false promise, she was induced to indulge into the act, the applicant *prima facie* cannot be held guilty of Section 5 of the PITA Act.

5. Considering that, the applicant has been arrested on 07.04.2021, the charge-sheet being filed and the material is compiled in it, he deserve his release on bail.

ORDER

- (a) Application is allowed.
- (b) Applicant – Anil @ Sunil Uttam Sahu shall be released on bail in connection with C.R.No.288 of 2031 registered at Kashimira Police Station on furnishing PR. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station on first Monday of every month between 10.00 a.m. to 1.00 p.m. till framing of charge-sheet.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)