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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.926 OF 2023

**SANTOSH SATYABHAN @ SATYADAN KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. Patwardhan Rohit Prashant

APP for Respondent/State : Mr. Y.G. Gujarati

Advocate for Respondent No.2 : Mr. D.S. Pawar

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CORAM : S.G. MEHARE, J.

DATED : JULY 05, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant is seeking bail in Crime No.124 of 2023 registered with Ahmednagar Camp Police Station, District Ahmednagar for the offence punishable under Section 370, 34 of Indian Penal Code, Section 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act and Section 4, 6 and 8 of the Protection of Children From Sexual Offences Act.
3. The applicant has a case that he was never involved in immoral trafficking. He was the manager. Many couples used to come to his hotel and after getting required documents, he used to avail the rooms to them. However, he has been falsely implicated in the crime. He never received the money from a decoy as alleged.

Many times it was happening that other male or female use to come first and then other was coming later. The applicant has received identity cards from the persons who used to hire the rooms from the lodge. The police has concocted the story that he has received Rs.5,000/- from a decoy. The witness who has deposed against him was there as a customer of his lodge. He had no concern with her. A false case has been lodged against him. The identity card of the said girl was also obtained, so there was nothing against him. That apart, the investigation has been completed. The said witness is from Bangladesh. She would not be produced at the earliest. So the trial may not be completed within reasonable time. Hence, he may be granted bail.

4. Learned APP and learned counsel for the victim strongly opposed the application. They would argue that *prima facie* evidence is available against the applicant. He was caught red handed accepting money from a decoy. The said girl was already there in the room of the lodge. Her statement is material indicating the involvement of the applicant in immoral trafficking. The applicant was involved in a serious crime consciously and making money from the prostitution. Therefore, he may not be granted bail.

5. Perused the charge sheet. The raid was taken in the hotel where the applicant was the manager. The material is also collected that the girl was there. The evidence is also collected that the

applicant received Rs.5,000/- from a decoy. However, the defence of the applicant cannot be discarded at this juncture. The so-called witness is from Bangladesh, so it would be difficult to secure her presence quickly. In such circumstances, there appears no hope of speedy trial. The applicant has roots at Ahmednagar, so there are no chances of his abscondence. This is a first crime registered against him. Considering the entire aspect, his detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Santosh Satyabhan @ Satyadan Kale, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.
- (iv) The applicant shall not involve in similar crime henceforth.
- (v) The Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)