

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

BAIL APPLICATION NO.1473 OF 2023

SUVARNA BHUSHAN DEORE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

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Mr. N. L. Chaudhari, Advocate for the Applicant.

Mr. S. P. Deshmukh, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 15th SEPTEMBER, 2023.

PRONOUNCED ON : 09th OCTOBER, 2023.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.322/2023 dated 06.05.2023 registered with Shirdi Police Station, Dist. Ahmednagar for the offences punishable under Sections 366 (A), 370, 366 (B), 372, 373, 376, 328 of the Indian Penal Code and Sections 3, 4, 5, 7 and 8 of the Prevention of Immoral Trafficking Act, 1956 (for short 'PITA, 1956') as well as Sections 4, 8 and 12 of the POCSO Act.

2. The investigation was set in motion on the basis of the information given by Smt. Sushma Vasant Jadhav, serving as Police Constable at Newasa. She reports that the Police Inspector, Shri. Rajendra Ingale, in pursuance of directions of the S.D.P.O., Shri. Sandeep Mitke informed that prostitution is going on at SP Lodge within the jurisdiction of the Shirdi Police Station and instructed to take immediate action. In view of the aforesaid instruction, raid was arranged. The team of police officers, panch and decoy customer was formed. They raided at SP Lodge after

signal from decoy customer. Accused Sachin Aher and Suraj Latke were found at the counter. They had received the amount offered by the decoy customer. On further search of the premises, three ladies including minor victim were found engaged in the prostitution. Accordingly, FIR was registered for the offences punishable under Sections 366(A), 370 of the Indian Penal Code and Sections 3, 4, 5, 7 and 8 of the PITA. The accused were arrested on the spot.

3. The investigation progressed. The statement of the minor victim was recorded. She disclosed that she is brought from Bangladesh and forced to engage in prostitution. During further investigation, she narrated details of various places, where she was subjected to prostitution. The statement of the victim dated 29.05.2023 recorded under Section 164 of the Criminal Procedure Code before the learned Judicial Magistrate First Class, Rahata shows that from 09.11.2022 victim was made to travel at various places. Initially, she was brought to Bombay. Thereafter, on 08.01.2023 she was taken to Nashik, where she was victimized to the prostitution. Thereafter, accused Akash took her to the Jalgaon, Dhule, Aurangabad, Pune and Shirdi. However, statement sans the details of the persons, victimized her to the prostitution or the places. The applicant has been arrested on 23.06.2023 and since then, she is behind the bar. The investigation is completed and charge-sheet is filed. The applicant had filed the application seeking regular bail before the Sessions Judge in Special Case No.32/2023. However, her application came to be rejected vide order dated 02.08.2023.

4. Mr. Chaudhari, learned Advocate appearing for the applicant vehemently submits that the applicant has been falsely

implicated in the crime. No role is attributed against the applicant. The name of the applicant surfaced first time in victim's statement dated 29.05.2023, recorded under Section 164 of the Criminal Procedure Code, wherein she discloses that the she was taken to the Dhule by accused Akash, where she stayed in the house of one Nayana (alleged to be the applicant). She used to talk her in filthy language. Pertinently there is no stipulation that the applicant forced her for prostitution or she earned any benefit out of such business. Learned Advocate for applicant submits that the applicant is arrested on 24.06.2023. The investigation in the matter is complete. Further detention of the applicant would not be necessary.

5. Mr. Deshmukh, the learned APP strongly opposes the prayer for grant of bail. He would submit that the applicant was found actively involved in commission of the offence. The victim was taken to the Dhule, where she was made to reside with the applicant and engage in prostitution. During the course of investigation it is revealed that the applicant was in touch with the other accused persons through telephonic conversation, which is sufficient to show complicity of the applicant. Further the applicant is specifically named in the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He would, therefore, submit that the release of the applicant may hamper the prosecution.

6. Having considered the submissions advanced, apparently FIR has been lodged against two accused persons found running SP Lodge at Shirdi and the minor victim was engaged for prostitution at that place. During the course of investigation, the statement of the victim is recorded under

Sections 161 as well as 164 of the Criminal Procedure Code. The statement of victim dated 29.05.2023 recorded before the Judicial Magistrate First Class, Rahata under Section 164 of the Criminal Procedure Code discloses that accused Akash took her at various places. She was brought to Dhule and asked to reside with the applicant. No further stipulation finds place against applicant that would attract charged offences against her. The statement of the victim nowhere discloses that the applicant was responsible to put her in the prostitution or she benefited out of such engagement of victim. At the most the offence under PITA would attract against applicant. Other graver offences incorporated in the charge-sheet cannot be attributed against the applicant. The applicant is behind the bar for more than three months. The investigation is complete. The charge-sheet is filed. The trial would take its own course. Further detention of the applicant would inure no benefit. The interest of the prosecution can be safeguarded by putting certain conditions. Hence, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Suvarna Bhushan Deore be released on bail in Crime No.322/2023 dated 06.05.2023 registered with Shirdi Police Station, Dist. Ahmednagar for the offences punishable under Sections 366 (A), 370, 366 (B), 372, 373, 376, 328 of the Indian Penal Code and Sections 3, 4, 5, 7 and 8 of the Prevention of Immoral Trafficking Act, 1956 as well as Sections 4, 8 and 12 of the POCSO Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.

b. The applicant shall attend each effective date of the trial before Court.

c. The applicant shall furnish detail address and contact numbers with the concerned Court, which shall be promptly updated.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE