

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION(BAIL) NO. 4 OF 2023.**

PRAVIN BORATE PRESENTLY AT
COLVALE JAIL THROUGH NEXT
FRIEND SHYAM KORGAONKAR ... Applicant.
VS
STATE OF GOA AND ANR. ...Respondent

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate for
the Applicant.
Mr. S. G. Bhobe, Public Prosecutor for the Respondent.

**CORAM: M. S. KARNIK, J
DATED: 6th MARCH 2023**

P.C.

1. Heard Ms. A. Agni, learned Senior Counsel appearing for the Applicant and Mr. S. G. Bhobe, learned Public Prosecutor appearing for the State.
2. This is a bail application. It is pointed out by the learned Senior Counsel that on the earlier occasion bail application was rejected by this Court on merits by an order dated 28th January 2022.
3. The applicant is facing accusation for the offence committed under Sections 370(A) (2) of Indian Penal Code and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

4. Learned Public Prosecutor vehemently opposed the bail application and submitted that there is every likelihood of the applicant indulging in a similar offence.

5. The accusations against the applicant in brief are that he along with the accused no.2 was procuring the victims for prostitution. The applicant was making a living from the earnings of the prostitution racket in which he was indulging.

6. First Information Report reveals that the applicant was found in suspicious circumstances and was questioned by the locals. The Investigating Agency subjected him to further inquiry. It was revealed that the Applicant had procured four victims for prostitution and the same was being carried out in one hotel called "Baga Spice". Statements of the victims came to be recorded under Section 161 of Cr.P.C. From the statements, it is seen that the victims had approached the present applicant for a job through a common friend. Thereafter the applicant gave them the offer of prostitution, from which earnings they could earn their livelihood. The victims when before the Medical Officer changed their versions and stated that they are not indulging in prostitution and they were just sitting in the hotel. The bail application has been rejected on an earlier occasion by this Court. That was almost one year ago. There is change in circumstances.

7. The applicant was arrested on 6.11.2021 and he is now in custody for more than 2 years and four months. During this time, the applicant was admitted to a private medical hospital for undergoing an operation. This was during the period from 14.7.2022 up to 30.12.2022, on which date the applicant surrendered. There has been no progress in the trial.

8. Considering the nature of the accusations and the maximum sentence provided for the offence if proved, and considering the fact that the applicant is in custody for more than 2 years with no possibility of trial commencing and concluding any time soon, the applicant can be enlarged on bail. There is no material on record to indicate that during the period of hospitalisation, the applicant misused his liberty. The applicant surrendered on the given date. There are no criminal antecedents against the applicant. The investigation is complete and charge sheet is filed. The applicant can be enlarged on bail. Hence the following:-

O R D E R

- i. The applicant shall be enlarged on bail upon his furnishing a PR bond in the sum of Rs.25,000/- with one or more surety/sureties in the like amount to the satisfaction of the Trial Court.

- ii. The applicant shall furnish details of his residential address and all contact details along with his mobile number to the Trial Court as well as the Investigating Officer. The applicant shall inform about any change in residential address or contact details to the trial Court as well as the Investigating Officer.
 - iii. The applicant shall attend the hearing of the trial Court on all the dates fixed by the trial Court.
 - iv. The applicant shall not enter the area of Anjuna Police Station till the trial is over.
 - v. The applicant shall not indulge in similar offence, the consequence of which may entitle to State to apply for cancellation of bail.
9. The application stands disposed of in the aforesaid terms.

M. S. KARNIK J.