



PMB

16.BA.79-23.odt

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

BAIL APPLICATION NO.79 OF 2023

VIKRAM @ VIKY MAHADEV PAWAR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Seema Dighe a/w Adv. Shubham Sane i/b. Adv. Priyal
G. Sarda for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 25, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 3, 4, 5, 6 of Immoral Traffic
(Prevention) Act (hereafter 'PITA Act' for short) and under
Section 370(2)(3) of the Indian Penal Code registered on
26.08.2019 vide C.R. No.568 of 2019 with Vijapur Naka
Police Station, Solapur.

3. The date of the incident is 26.08.2019. There are in all
five accused. The applicant is the accused no.4. The

applicant was arrested on 10.11.2022. There are three victims. The victims are major. The applicant was encouraging the victims to indulge in prostitution. I have gone through the statements of the victims. From the statements of the victims it does not appear that the applicant has forced the victims into prostitution.

4. Learned APP submitted that the present offence is serious in nature having regard to the stringent provisions of PITA Act. Furthermore, it is pointed out that there are similar antecedents against the applicant of the year 2019 and 2020. It is submitted that while the applicant was on bail in C.R. No.321 of 2019 that the present offence is committed immediately on his enlargement.

5. So far as the present case is concerned, the applicant is in custody for more than four years as an under-trial. No witnesses have been examined so far. The trial is likely to take a long time to conclude. There is no force exerted by the applicant on the victims to indulge in the act of prostitution. It appears that the victims voluntarily approached the applicant whereafter the applicant is alleged

to have committed the act which is an offence under the aforesaid provisions. In the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vikram @ Viky Mahadev Pawar in connection with C.R. No.568 of 2019 registered with Vijapur Naka Police Station, Solapur shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Vijapur Naka Police Station, Solapur once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly.

(g) Any attempt on the part of the applicant to contact or threaten the victims or the witnesses will be viewed seriously which may result in cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)