



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

BAIL APPLICATION NO.166 OF 2023

MAINUDDIN SAHEBLAL SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. S.P. Rajepandhare, for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 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 the Prevention of Immoral Trafficking Act, 1956 and under sections 370-A(2) of the Indian Penal Code, 1860 registered on 18/06/2021 vide C.R. No. 0447 of 2021 with Solapur Police Station.

3. The date of the incident is 17/06/2021. The applicant is the accused no. 3. Accused nos. 1 and 2 have enlarged on bail. Co-accused- Nagrath Sopan Bansode was the Manager of the hotel where

the raid had taken place. The applicant is the owner of the hotel. Accused no. 2-Sushil Shinde is the person who was present at the hotel and was found to have brought two girls aged 25 and 32 years for the purpose of prostitution. By an order dated 04/01/2022, this Court enlarged the accused no.1- Nagnath Sopan Bansode on bail which spells out the prosecution case and the consideration for enlarging the co-accused on bail which reads thus :

“2. The prosecution case is that the Applicant was working as a Manager at Lotus Lodge at Solapur of which one Mainuddin Shaikh was the owner. In a raid conducted on the said hotel, on prior information, in which the co-accused Sushil Shinde who was present on the hotel was found to have brought two girls aged about 25 and 32 years for purposes of prostitution. A decoy customer was sent, with marked currency notes, which were recovered during the course of the raid. One of the girls who was aged about 25 years was found sitting in one of the rooms i.e. Room No.102 of the Lodge with the decoy customer.

3. Indisputably, the Applicant was working as Manager and the complaint dated 17 June 2021 filed by Head Constable Rajebndra Maruti Bandgar of the Social Service Branch states that it was Mr.Sushil Shinde who had allegedly brought two girls for the purposes of prostitution.

4. In this case, the investigation is complete and the charge-sheet is filed. The applicant was arrested on 17 June 2021. The offence is Magistrate triable, with a maximum punishment of 5 years under Section 370(A)(2) of Indian Penal Code. Prima facie the offence under Section 370A(1) may not be made out as none of the girls found were minors.

5. There are no Criminal antecedents to the discredit of the present applicant.

6. Considering the overall circumstances I find that discretion can be exercised, subject to the conditions. Hence following order is passed.”

4. Learned APP opposes the application for bail.

5. The applicant is the owner of the hotel. The applicant was not present at the relevant time. There is nothing on record to indicate that the applicant had knowledge about the co-accused having brought two girls for prostitution. Pursuant to the rejection of the applicant's prayer for anticipatory bail, the applicant surrendered on 15/11/2022. The applicant can be enlarged on bail as according to learned counsel for the applicant, there are no criminal antecedents reported against him. Hence, the following order is passed.

ORDER

- 1) The applicant be released on bail, on executing a PR. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.
- (ii) The applicant shall not leave the jurisdiction of the learned Magistrate without prior intimation.
- (iii) The applicant shall not directly or indirectly engage in any similar act or make an attempt to contact the victim and shall not otherwise tamper with the prosecution evidence/witnesses.
- (iv) In the event of breach of any of the conditions, the bail is

liable to be cancelled.

(v) The Criminal Bail Application is disposed of in the aforesaid terms.

(M. S. KARNIK, J.)