



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

BAIL APPLICATION NO. 712 OF 2023

SONU KUMAR @ SONU KUMAR

KAMESHWARSINGH RAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Mr. Nitin Sejpal a/w Adv. Pooja Sejpal a/w Adv. Akshata Desai for the Applicant.

Adv. Manasi Bandiwadekar for Victims.

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

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 18, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Sections 366A, 370(1)(4), 372 and 34 of the Indian Penal Code, Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act), and Sections 17 and 18 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered on 09/06/2022 vide C.R.

No. 378 of 2022 with Kashimira Police Station.

3. One victim is a minor and hence, the provisions of POCSO Act are invoked. It is the case of the prosecution that the applicant along with the other accused was indulging in prostitution activities by providing girls including minor girls. A decoy customer was, therefore, set up. The photographs of the girls were sent to the decoy customer. The decoy customer was requested to come to one Dhaba. The victims and minor girls were found at the spot. So far as the present applicant is concerned, who is accused No.3, it is alleged that the applicant was in contact with the victims' relatives on phone and therefore, for his helping to other accused, the applicant was to be paid a sum of Rs.40,000/-.

4. Learned counsel for the victims appeared and tendered an affidavit that the victims were at the Dhaba for lunch and not for any other activities. Whatever is stated in the affidavit can not be a factor to be taken into consideration at this stage and hence, I am not expressing any opinion on the affidavit so filed. Suffice it to mention

that the affidavit supports the applicant's case. The applicant is in custody since 10/06/2022 i.e. for 1 year and 6 months as an undertrial. The applicant will face the consequences post-trial if found guilty. The investigation is complete and the charge-sheet is filed. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case, considering that there are no criminal antecedents reported against the applicant, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sonu Kumar @ Sonu Kumar Kameshwarsingh Ram in connection with C.R. No.378 of 2022 registered with Kashimira Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Kashimira police station once in a month, first Monday of every 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. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) If the applicant is found indulging in similar activities, the prosecution is at liberty to apply for cancellation of this bail.

5. The application is disposed of.

(M. S. KARNIK, J.)