

AGK

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

**BAIL APPLICATION NO.761 OF 2023**

Kirtish Sudhakar Hegade

... Applicant

**V/s.**

State of Maharashtra

... Respondent

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Mr. T.M. Venjane with Mr. Vikram Madne i/by Mr.  
Rajabhau S. Chaudhari for the applicant.

Ms. Rutuja Gaikwad, APP for the respondent/ State.

**CORAM : AMIT BORKAR, J.**

**DATED : AUGUST 8, 2023**

**P.C.:**

**1.** This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.851 of 2022 registered with Yewat Police Station, for offences punishable under Section 370(3) of the Indian Penal Code, 1860 and under Sections 3, 4, 5, and 8 of the Immoral Traffic (Prevention) Act, 1956.

**2.** As per prosecution, on 12 October 2022 informant and his team of AHTU, Pune effected raid at Nakshatra Lodge by sending dummy customer. It was found that prostitution business was going on in the said lodge. They found four girls who were indulged in the said business. The applicant/accused No.1 and other accused were accepting money for said prostitution business.

They have engaged above girls in the said prostitution business. Accordingly, first information report came to be lodged.

**3.** The applicant filed application under Section 439 of the Criminal Procedure Code, 1973 before the learned Sessions Judge which came to be rejected by order dated 1 February 2023. The applicant, therefore, filed present bail application.

**4.** On perusal of the case papers, it appears that statements of victims have been recorded under Section 161 of the Criminal Procedure Code, 1973. Though in the said statements the victims have stated that the applicant along with others accepted the amounts from the customers and told them to perform sexual intercourse with the customers, the victims in a statement before the Judicial Magistrate First Class, Daund, Court No.2 stated that they had voluntarily visited the place. Therefore, prima facie it appears that the victims visited the place on their own.

**5.** The investigation is complete. Charge-sheet is filed. The Trial Court needs to adjudicate the involvement of accused persons on merits. However, at this stage considering the statement made before the Magistrate and applicant having been arrested on 13 October 2022, further detention of the applicant is not necessary. Hence, following order:

a) The applicant be released on bail in relation with C.R. No.851 of 2022 registered with Yewat Police Station, for offences punishable under Section 370(3) of the Indian Penal Code, 1860 and under Sections 3, 4, 5, and 8 of the Immoral Traffic (Prevention) Act, 1956, on furnishing P.R. Bond in the amount of

Rs.25,000/- along with one or two sureties in the like amount;

b) The applicant shall mark his presence with the concerned police station on first Saturday of every month till conclusion of trial;

c) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;

e) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

**6.** The bail application stands disposed of in above terms. No costs.

**(AMIT BORKAR, J.)**

**Note:** This order is modified as per order dated 9 August 2023 to correct the applicant's appearance.