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

BAIL APPLICATION NO.1396 OF 2022

Ratnakar Timpaa Shetty ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Niranjan Mundargi i/b Mr. Rishikesh Ajit Mohite, for the Applicant.
Ms. A. A. Takalkar, APP for the State.
Mr. Wisley Menezes a/w Mr. Steven Anthony and Mr. Waqaar Pathan, for Intervener.
Mr. Atul Ashok Aher, APMC Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 17, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP.
2. This is an application for bail in respect of C.R.No. 388 of 2021 dated 31/10/2021 registered with APMC Police Station for the offence punishable under section 370, 34 of the Indian Penal Code, 1860, sections 3, 4, 5 of the Prevention of Immoral Trafficking Act, 1956 ("PITA", for short) and section 12 of the Protection of Children from

Sexual Offences Act, 2012 (hereafter "POCSO Act", for short).

3. The date of the incident is 30/10/2021. A raid was conducted by the police officials in a hotel as they were having information regarding prostitution being carried out in such hotel. A sum of Rs.3,500/- was paid to the Manager by the decoy customer. The Manager is also the co-accused. The Manager says that out of an amount of Rs.3,500/-, Rs.1,500/- was to be paid to the present applicant.

4. The victims were procured by the co-accused. The premises which is a hotel by name Sagar Krupa Lodging and Boarding is taken on lease by the applicant. The applicant is in custody for more than 1 year and 1 month. Prima facie, so far as the applicant is concerned, section 5 of the PITA may not be attracted. The applicant's case may be covered under sections 3 and 4 of POCSO. Even section 370 of IPC may not be applicable so far as the applicant is concerned.

5. Learned APP submitted that there is a criminal

antecedent reported against the applicant in respect of a similar offence. Prima facie, considering that the applicant can be convicted with maximum sentence of 3 years imprisonment and as the applicant is now in custody for more than 1 year and 2 months, the applicant can be released on bail. Having regard to the length of the time the applicant spent in custody, criminal antecedent of the year 2016 (C.R.No. 123/2016) of the similar nature should not come in his way for the purpose of granting facility of bail in the present CR. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Ratnakar Timpaa Shetty in connection with C.R.388 of 2021 dated 31/10/2021 registered with APMC Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish temporary cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall report to the investigating officer once in a month i.e. on first Monday of every month between 10.00 a.m. and 12 noon till the trial is over.

(g) The observations made in this order are limited for the purpose of considering the application for bail and trial Court shall proceed with the trial on its own merits without being influenced by any observations made in this order.

5. The application is disposed of.

(M. S. KARNIK, J.)