



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 BAIL APPLICATION NO. 185 OF 2024

Soni @ Sunita Shrirang Shelke
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. B.V. Dhage
APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 23 of 2022 registered with Sillod City police station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 3, 4 and 7 of the Immoral Traffic (Prevention) Act 1956. Her application with similar prayer bearing criminal bail application No. 2660 of 2023 came to be rejected by the learned Additional Sessions Judge, Chhatrapati Sambhajnagar, vide order dated 09.01.2024.

2. It is averred in the report that the applicant is running a brothel house at Sillod. The police with the help of decoy customer led a trap and raid was effected. He met in a tin shed near the house of the applicant. The a decoy customer went there as per the instructions given by the raiding official. The applicant was present in front of that

house. She accepted tainted currency notes from that dummy customer. The police went there and found that the applicant is involved in the immoral trafficking. He gave signal. Accordingly, the police went there. The police found that the applicant has engaged one woman for prostitution. The said woman stated that the applicant forced her for that prostitution business because of her poor financial condition. Accordingly, the report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. She has surrendered before the learned J.M.F.C. Court at Sillod. She has roots in the society, she will not flee away from the trial, the trial will take a long period. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crimes of similar nature for two times earlier, which are registered against the applicant at Sillod city police station. Those crimes are registered under the Prevention of Immoral Traffic (Prevention) Act 1956, bearing C.R. No.219 of 2019 (case No. 522 of 2020) and crime No. 157 of 2021 (case No. 19 of 2022), which are pending. While granting bail in those cases, the condition was imposed upon the applicant that she shall not indulge in such activities. However, she committed breach of the conditions. Learned A.P.P. further pointed out that the reply/say submitted by the investigating officer that such

customers are coming in that area under the influence of liquor. They are troubling the people residing in that area. The local ladies are unable to move in that area. Because of the said atmosphere, some people have left that area. The proposals for marriages of daughters of people residing in that area are refused due to such atmosphere. Some gundas are coming to meet the applicant and therefore, the ladies in that area cannot move easily. Considering the conduct of this applicant and the fact that there is prima facie evidence against the applicant, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly, the report and the statements of witnesses, decoy customer while raiding, noticed that the applicant was conducting the business of prostitution. It seems that even after the applicant was released on conditional bail in earlier offences, she committed such nature of crime again by running the brothel. If the applicant is released on bail, certainly she will continue such illegal and immoral trafficking which is causing grave hardship and hurdle to the persons residing in that area. The applicant is therefore, not entitled for bail in view of the principle that the bail is rule and jail is exception.

6. Considering all these aspects and the ratio laid down by the Hon'ble Supreme Court in the cases of ***Deepak Yadav Vs. State of Uttar Pradesh and another, (2022) 8 SCC 559*** and ***Shahzad***

Hasan Khan Vs. Ishtiaq Hasan Khan and another, (1987) 2 SCC 684, that the applicant is involved in the serious crime, the application deserves to be rejected and it is rejected accordingly.

(SANJAY A. DESHMUKH, J.)

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