



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO. 698 OF 2024

Sandip Mohan Pawar
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Murkute J.M.
APP for Respondents: Mr. Satish A. Gaikwad
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 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. 26 of 2024 registered with CIDCO police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956. His application with similar prayer bearing criminal bail application No. 161 of 2024 came to be rejected by the learned Additional Sessions Judge (Court No.6), Chhatrapati Sambhajinagar, vide order dated 7.2.2024.

2. It is averred in the report that the applicant is running a brothel, therefore, a trap was led by sending decoy customers to verify the truthfulness of the allegation that the applicant is conducting the business of Immoral trafficking. The applicant was arrested. The report was accordingly lodged and the other accused persons were

also arrested.

3. Learned advocate for the applicant submitted that the applicant has no criminal antecedents. He has been falsely implicated in the crime. The investigation in the case is over and the charge sheet is filed. The applicant has roots in the society, he will not flee away from and the trial will take long period. It is lastly prayed to allow the application.

4. Learned advocate for the applicant placed reliance on the order dated 25.6.2020 passed by this Court in bail application No.290 of 2020, in which in para 4 it is observed as under:-

“4. On going through the allegations made in the complaint and on perusal of the charge-sheet which is annexed to the application, prima facie it appears that the allegations against the applicant are restricted to the extent of Section 5(1)(b) of the Immoral Traffic (Prevention) Act, 1956. It further appears from the charge-sheet that none of the victim has taken the name of the present applicant and it thus appears that the applicant has merely forwarded the photographs of the victim to the prospective customers as forwarded to him by the person, who runs the brothel. It thus appears that none of the offence as alleged against the applicant is punishable with death or imprisonment of life. There is no criminal history and the applicant is not indulged in similar activities prior to the registration of the present crime. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions.”

5. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. The applicant is prime accused in the crime, as he is running the brothel. The said crime is antisocial crime. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report and the statements of the girls, who were engaged for prostitution. Entire investigation in the case is over. The further custody of the applicant is not necessary. The applicant has roots in the society, he will not flee away from the trial and the trial will take long period. In the peculiar set of facts of this case and the ratio laid down in bail application No. 290 of 2020 (*supra*), the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 26 of 2024 registered with CIDCO police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant shall not indulge in similar nature of crime in future.
- c) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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