



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 760 OF 2024

PAWAN KUMAR DHANJIBHAI VANSOLA

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patwardhan Rohit Prashant.

APP for Respondent-State : Mr. S. M. Ganachari.

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CORAM : S. G. MEHARE, J.

DATE : 11.06.2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State at length.

2. The applicant seeks bail in Crime No.32 of 2024, registered with Pundlik Nagar Police Station, District Aurangabad, for the offences punishable under Sections 370, 370-A(2) read with Section 34 of the IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act.

3. The allegations against the applicant were that he found present on one spa, not owned by him. During the raid, few women were found in the spa. Some cash and articles were recovered. The police recorded the statements of the women present there. They made allegations against the Proprietor of

the Massaging Centre forcing them to do the prostitution. He is permanent resident of the State of Gujarat. He has been arrested on 31.01.2024. Since then, he is behind bar.

4. It has been a submission of the learned counsel for the applicant is that the applicant is not the owner of the spa nor had a role to play in the crime. Stereotype statements of the so called victims have been recorded. They were employees in the spa. They never complained against the spa owner forcing them to do the prostitution. The applicant has no role to play in the crime. He never forced any female to indulge in a forceful or unwilling prostitution. Nothing is to be recovered from him.

5. Per contra, learned APP has strongly opposed the application. He would submit that its a big racket. The applicant is a hard man who did utter nothing against the owners of the spa during police custody remand and day in and day out he is involved in a similar offences. He is a habitual offender. Since he did not support the prosecution during the police custody remand, further investigation is to be made from him to know the real culprits. He referred statements of the victim women and tried to convince the Court that releasing the applicant would be harmful to the

prosecution and he may abscond as he resides in a State of Gujarat.

6. Perused the papers. *Prima facie* it appears that applicant was not the owner of the so called spa. Since spa was run in that building, there must be a cash in the counter. The so called women who have been allegedly stated that they were compelled to do the prostitution never made any complaint. Be that as it may, the prosecution has no satisfactory explanation for his further custody or detention in the jail. The apprehension of prosecution of the abscondance of the applicant may be guarded by imposing certain conditions. The Court is satisfied that further detention of the applicant would serve no purpose. Trial may take its time. Therefore, he deserves bail on following conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **PAWAN KUMAR DHANJIBHAI VANSOLA** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in the above Crime on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall not leave Aurangabad city till conclusion of the trial, without the leave of the Court.
- (c) He shall keep the Investigating Officer informed about his presence in Aurangabad once in a month on every first Saturday between 10.00 a.m. to 1.00 p.m. either physically or on telephone.
- (d) He shall attend the Police Station as and when called by the Investigating Officer on written notice for further investigation.

(S. G. MEHARE, J.)

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vmk/-