

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.858 OF 2024

Bhiwa Mahadev Shinde ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Nilesh Wabale i/b. Rutuja Khatmode i/b. Umesh Mankapure, for
the Applicant.

Shri A.A. Naik, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 02, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant who is arraigned in C.R. No. 583 of 2023 registered with Vishram Baug police station, Sangli for the offences punishable under sections 370 and 366-B read with 34 of Indian Penal Code, 1860; sections 3, 4, 5, 6 and 7 Immoral Traffic (Prevention) Act, 1956; sections 3 and 6 of the Passport Act, 1967 and section 14 of Foreigners Act, 1946 seeks to be enlarged on bail.
3. The indictment against the applicant is that on 22nd October, 2023 a raid was conducted on Galli No. 5, Gokul Nagar, Sangli wherein the victims were found indulging in prostitution. The allegation against the applicant is that the applicant was collecting rent of the rooms (which stood in the name of the mother of the applicant) which were used to run the brothel.

4. The learned counsel for the applicant invited attention of the Court to the order dated 8th December, 2023 passed in ABA No. 3395 of 2023 whereby the mother of the applicant was granted pre-arrest bail by this Court. It was submitted that the applicant came to be arrested on 23rd October, 2023. Investigation is complete and charge sheet has been lodged.

5. I have perused the allegations in the FIR. The role of running a brothel and living on the earnings of the prostitution, has been primarily attributed to one Sitara Matin Shaikh. The said accused had allegedly taken three rooms of the applicant's mother on rent. It is alleged that by accepting the rent from the co-accused, the applicant and his mother were living on the earnings of the prostitution. Whether the applicant and his mother had let out the rooms with the knowledge that those rooms would be used as brothel would be a matter for adjudication at the trial. It is not the case of the prosecution that the applicant has antecedents.

6. This being the nature of the accusation and the fact that investigation is practically complete and chargesheet has been lodged, I am inclined to exercise discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant Bhiwa Mahadev Shinde be released on bail in C.R. No. 583 of 2023 registered with Vishram Baug police station, Sangli police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark his presence at Vishram Baug police station on the first Monday of every alternate month between 11 am to 1 pm till conclusion of the trial.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 5] The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- 6] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and

they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(N. J. JAMADAR, J.)