

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

CRIMINAL BAIL APPLICATION NO. 3390 OF 2023

Santosh Madhukar Ludbe

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Kedar Patil a/w Mr. Pratik Tare, Ms. Sakshi Kadam, Advocate for the Applicant.

Mrs. Veera Shinde, APP for the Respondent – State.

Mr. Suresh Patil, Police Constable, Vengurla Police Station, Sindhudurg, present.

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CORAM : ANIL S. KILOR, J.

DATE : 19th JUNE, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.121 of 2023, registered with Vengurla Police Station, District: Sindhudurg for the offences punishable under Sections 370 of Indian Penal Code (for short 'IPC') and Sections 3, 4, 5 of the Immoral Trafficking Prevention Act, 1956.

3. learned counsel for the Applicant submits that the charge-sheet has been filed and as such, further custody of the Applicant is not necessary. It is further submitted that the Applicant

is in jail from last about one year and considering the admission of the victim that they have come from Sindhudurg on their own and are working voluntarily, there is nothing against the Applicant to show his involvement in the alleged offence. Accordingly, he prays for grant of bail.

4. On the other hand, the learned APP strongly opposed the application and submits that there are antecedents. She further submits that the offence is serious. Accordingly, she prays for rejection of bail application.

5. In the light of rival submission, I have perused the charge-sheet. As far as three antecedents are concerned, one is under Section 279, 337 and 338 of Indian Penal Code, whereas the other two offences are under Essential Commodities Act and Gambling Act respectively. The first offence is of the year 2008.

6. Considering the material collected by the Investigating Officer in the present matter, *prima facie* I am of the opinion that there is no role attributed to the Applicant. Furthermore, considering the statements of the victim, I am of the considered view that the further custody of the Applicant is not necessary in this case.

7. In the circumstances, considering the fact that charge-sheet has been filed and the custody of the Applicant is not

required. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No. 3390 of 2023 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.121 of 2023, registered with Vengurla Police Station, District: Sindhudurg for the offences punishable under Sections 370 of IPC and Sections 3, 4, 5 of the Immoral Trafficking Prevention Act, 1956, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall attend the Police Station on every 1st and 16th day of month between 11:00 am to 12:00 noon till conclusion of trial;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)