

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

CRIMINAL BAIL APPLICATION NO. 3597 OF 2023

Lalitkumar Ramdev Jha

....APPLICANT

V/S

The State Of Maharashtra

....RESPONDENT

Mr. Ankesh Thakur a/w. Adv. Charan Penthalia for the Applicant.

Mr. Y. N. Nakhawa, APP for the Respondent-State.

Mr. Landge, PSI, Khadakpada Police Station - present.

CORAM : N. J. JAMADAR, J.

DATE : 29th JANUARY, 2024

P.C.:

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicant, who is arraigned in connection with CR No 440 of 2022, registered with Khadakpada Police Station for an offences punishable u/s. 370(2), 370(3) r/w 34 of Indian Penal Code, 1860 ("the Penal Code") and u/s. 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, has preferred this Application to enlarge him on bail.
3. On 4th November, 2023 pursuant to an information, police conducted raid at Gold Chain NX lodging and boarding near Shahad railway station. A decoy customer was sent. In the raid

two victims were found trafficked. The Manager of the lodge, Mr. Mahesh Patil, Accused No. 1 and Libelo Idris, Accused No. 2, were apprehended. The victims were rescued. During the course of investigation, it transpired that the Applicant was providing the victims for prostitution.

4. The learned Counsel for the Applicant submitted that the Applicant came to be implicated on the basis of the statement of the co-accused Mahesh Patil, who has been released on bail. Attention of the Court was invited to the statements of the victims and the history narrated by the victims before the medical officer. The victims stated that they had gone to the hotel for the purpose of cleaning and mopping.

5. Learned APP resisted the prayer for bail. It was submitted that there is a material to indicate that the Applicant was living on the earnings of prostitution.

6. I have perused the statements of the victims. It appears that the Accused No. 2 was stated to be the husband of one of the victims and he had allegedly pushed the said victim into the prostitution. The Accused No. 2 has also been released on bail.

7. In the aforesaid view of the matter and having regard to the nature of the material pressed into service against the Applicant,

the submission on behalf of the Applicant that there is, *prima facie*, no nexus between the Applicant and the alleged offences, carries substance. Since the co-accused, who were apprehended at the time of alleged raid in which the victims were rescued, are released on bail, I am inclined to exercise the discretion in favour of the Applicant.

:: O R D E R ::

- (i) Application stands allowed.
- (ii) The Applicant be released on bail in CR No. 440 of 2022, registered with Khadakpada Police Station, on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The Applicant shall attend Khadakpada Police Station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for the period of three years or till conclusion of the trial, whichever is earlier.
- (iv) The Applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) The Applicant shall not indulge in the activities for which he has been arraigned in this case.

(vii) 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.

Application stands disposed.

(N. J. JAMADAR, J.)