

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3990 OF 2024

Raju Laxmandas Thawani	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Raju Suryawanshi, for the Applicant.
Mr. H.J. Dedhia, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 10, 2024

P.C.:

1. The applicant, who is arraigned in C.R. No. 348 of 2023 registered with Vitthalwadi police station for the offences punishable under sections 370(2) and 370(3) read with 34 of Indian Penal Code, 1860 (the Penal Code) and sections 3, 4, 5 and 7 Immoral Traffic (Prevention) Act, 1956 (PITA) has preferred this application to enlarge him on bail.

2. On 8th December, 2023 pursuant to an intimation that Juhita Das (A/1) was operating an illegal flesh trade racket the Immoral Human Traffic Prevention Cell, Crime Branch, Thane arranged a decoy customer and a raid was conducted at Barrack No. 1659, Sector 36, Ulhasnagar -4. The decoy customer, two victims and Juhita Das (A/1) were apprehended. Cash of Rs. 2,000/-, which the decoy customer had delivered to one of the victims, was also recovered. Juhita Das (A/1) disclosed that the applicant was the

owner of the said premises and was running the said brothel. The applicant came to be arrested.

3. Mr. Suryawanshi, the learned counsel for the applicant, submitted that the raid was conducted on the first floor of the premises, while the applicant resides with his family on the ground floor. The applicant was not involved in the alleged flesh trade. At best, the applicant can be attributed with the role of having let out the premises to Juhita Das (A/1) for the purpose of being used for prostitution. The offence punishable under section 7 of PITA entails maximum punishment which may extend to one year. Mr. Suryawanshi further submitted that the alleged victims have not at all supported the case of the prosecution. Attention of the Court was invited to the statement of the victims during the course of investigation. In this view of the matter, further detention of the applicant would be wholly unwarranted, submitted Mr. Suryawanshi.

4. Mr. Dedhia, the learned APP fairly submitted that both the victims were major. None of the victims has supported the prosecution version. Even in their statement recorded under section 164 of the Code of Criminal Procedure, 1973, the victims have not supported the prosecution.

5. I have perused the report under section 173 of the Code and

the documents annexed with it. In the statements recorded during the course of investigation by the police, the victims have stated that they were working at the house of the applicant. Even in the statement recorded under section 164 of the Code, the victims have declined to subscribe to the prosecution version. Prima facie, it appears that the applicant has been roped in as the owner of the premises which was being allegedly used for prostitution. The indictment against the applicant primarily rests on the statement of Juhita Das (A/1), the co-accused.

6. The aforesaid being the nature of the material pressed into service against the applicant, a prima facie case for exercise of discretion is made out. The investigation is complete. Charge sheet has been lodged. The applicant has been in custody since 9th December, 2023. Having regard to the large pendency of the cases, it is unlikely that the trial can be concluded within a reasonable period. The applicant does not have any antecedents.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant Raju Laxmandas Thawani be released on bail in C.R. No. 348 of 2023 registered with Vitthalwadi 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 Vittalwadi police station on the first Monday of every 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 not indulge in an identical offence.

7] The applicant shall regularly attend the proceedings before the jurisdictional Court.

8] 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 disposed.

(N. J. JAMADAR, J.)