

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1535 OF 2024

Shubham Bharatbhushan Chavan

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Chetan S. Damre, Advocate, for the Applicant

Ms. R. V. Newton, APP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.08.2024

P. C.

1. Heard Mr. Damre, learned counsel for the Applicant and Ms. Newton, learned APP for the Respondent – State.

2. Inadvertently, in the third line of paragraph 6(a) of the Order dated 30.07.2024, it has been typed as

“The Applicant shall report to the Indira Nagar Police Station, District – Nashik on 1st, 2nd, and 3rd of August 2024 between 10.00 a. m. and 2.00 p. m. **until the conclusion of the trial**”

INSTEAD OF

“The Applicant shall report to the Indira Nagar Police Station, District – Nashik on 1st, 2nd, and 3rd of August 2024 between 10.00 a. m. and 2.00 p. m.”

3. Accordingly, Clause 6(a) of the Order dated 30.07.2024 be corrected and corrected order be uploaded.
4. By Order dated 30.07.2024, the Applicant was directed to report to the Indira Nagar Police Station, District - Nashik on 1st, 2nd and 3rd of August, 2024 between 10.00 a. m. and 2.00 p. m.. Ms. Newton, learned APP for the Respondent – State states that the Applicant has complied with the said direction. She states that investigation is almost completed and within a period of ten days, Charge-sheet will be filed.
5. The Order dated 30.07.2024 is reproduced hereinbelow for ready reference :

“1. Heard Mr. Damre, learned Counsel for the Applicant and Ms. Kak, learned APP for the Respondent – State.

2. Mr. Damre, learned Counsel for the Applicant relies on the statement of the victim which is at page No. 58 of the Application. He has also pointed out paragraph Nos. 7 & 8 of the Order dated 15.03.2024 passed by the learned Judicial Magistrate First Class, Nashik in C. R. No. 64 of 2024. The said order was passed as per Section 17(1) of the Immoral Traffic (Prevention Act), 1956 in connection with the victim. The said paragraph Nos. 7 & 8 read as under:

*“7. According to statement of the victim she is not connected with alleged offence, in any manner. She went in the Masaj Parlor for earning more money. **She stated that she was not induced, threatened or pressurized to work or carry out any immoral activity at the spot. It appears that the victim was not subjected to trafficking.** It appears that the victim is willing to go with her sister and relatives. The sister of the victim also showed*

willingness to look after the victim and to help her for rehabilitation process.

8. *In view of statement of victim and her relative, it appears that the victim was not induced to enter into any immoral activity. She was not subjected by anybody to trafficking.* Victim as well her relative assured about abstinence from any immoral activity in future. Report of Probation officer and say of I. O. and documents filed on record made out correctness about the information of victims regarding their age, character, antecedent, relatives etc. It also made out correctness about information of her relatives. There is nothing brought on record showing antecedent of the victim. The suitability of her relatives seems to be appropriate as per report of the Probation officer. Statement of relative of victim show that she is suitable for taking charge of the victim, voluntarily. ”

(Emphasis added)

3. Mr. Damre, learned counsel for the Applicant also states that the Applicant has no antecedents. He also relies on the Order dated 11.01.2023 passed by a learned Single Judge in ABA No. 3617 of 2022.

4. Ms. Kak, learned APP for the Respondent – State states that charge-sheet is filed. However, charge-sheet is not filed insofar as the present Applicant, as he is absconding.

5. Mr. Damre, learned counsel for the Applicant states that the Applicant will co-operate with the investigation.

6. In view thereof, the following order:

O R D E R

(a) The Applicant shall report to the Indira Nagar Police Station, District – Nashik on 1st, 2nd, and 3rd of August 2024 between 10.00 a. m. and 2.00 p. m. until the conclusion of the trial.

(b) The Applicant shall not be arrested till the next

date.

7. *Stand over to 05.08.2024.”*

6. As noted hereinabove, the Applicant has reported to the Police Station and investigation is almost complete.

7. The Applicant has no antecedents.

8. In view thereof, the following order:-

ORDER

(a) In the event of arrest, the Applicant - Shubham Bharatbhushan Chavan be released on bail in connection with C.R. No. 64 of 2024 registered with the Indira Nagar Police Station, District – Nashik on his furnishing P. R. Bond of Rs.10,000/- with one or two sureties in the like amount;

(b) The Applicant shall report to the Indira Nagar Police Station, District – Nashik once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the filing of the Charge-sheet;

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]