

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

**INTERIM APPLICATION NO.3510 OF 2024
IN
CRIMINAL APPEAL NO.954 OF 2024**

Ravi Jagannath ShettyApplicant
Versus
State of Maharashtra Respondent

Mr. Rahul Arote, Advocate for the Applicant.
Mr. Vinit A. Kulkarni, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd SEPTEMBER, 2024

P.C. :

1. This is an Application for bail pending the final disposal of the Applicant's Appeal. The Applicant was the original accused No.1 in Sessions Case No.590/2014 before the learned Additional Sessions Judge, Thane. The learned Judge, vide his judgment and order dated 8.8.2024, convicted the Applicant for commission of the offence punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act. The major sentence imposed on him was R.I for three years besides imposition of fine. There are

other three accused in that case. All of them were acquitted from all the charges. The Applicant himself was acquitted from the charges under Section 370(1),(2) and (3) of IPC and under Section 6 of the Immoral Traffic (Prevention) Act.

2. Heard Mr. Rahul Arote, learned counsel for the Applicant and Mr. Vinit Kulkarni, learned APP for the Respondent-State.

3. The prosecution case is that on 25.7.2014, the Police Officers, on prior information, raided a lodge within the jurisdiction of Kasarvadavali Police Station. They had taken one bogus customer with them. According to the prosecution case, the raid was successful and some victims were found in the lodge. It is the case of the prosecution that the Applicant was the lodge owner. The prosecution case is that the victims found in the lodge led the police officers to another premises where some more victims were kept. Their statements were recorded. The investigation was carried out the Applicant and others faced the prosecution.

4. Learned counsel for the Applicant submitted that out of the sentence of three years, the Applicant was in custody for almost six months during the trial. He was on bail during the remaining period of the trial and even after his conviction, he is granted bail for temporary period under Section 389 of Cr.P.C. There are no allegations of commission of any other offence against him.

5. On merits of the matter, learned counsel for the Applicant submitted that the prosecution has not examined the bogus customer and the victims who were rescued from that lodge. Therefore, the link showing the connection between the raid on the lodge and on the other premises is missing. He further submitted that the three victims from the other premises were examined, but, they have not identified the Applicant properly. He submitted that PW-1 had identified one Rajesh Seth. PW-2 had identified the accused No.1 but the recorded evidence mentions that 'today Rajesh is present in the Court'. PW-3 identified the accused No.1 correctly, however, again the recorded evidence

mentions that 'today Rajesh is present in the Court'. Learned counsel, therefore, submitted that she had identified Rajesh. The said accused was the accused No.2 and not the accused No.1. Therefore, there is some confusion about the identity of the present Applicant.

6. Learned APP submitted that recording of the evidence shows that the victims had identified the accused No.1, who was the present Applicant and, therefore, there is no confusion. The offence is serious and, therefore, bail should not be granted to him.

7. I have considered these submissions. I find force in the submissions of learned counsel for the Applicant that the identity of the Applicant is not very clearly established. Apart from that the other three accused were given benefit of doubt. The bogus customer and the victims rescued from the first lodge were not examined. All these are important points, which will have to be considered seriously at the final hearing stage. The Applicant was on bail during the trial. Even after his conviction, even today he is on temporary bail

under Section 389 of Cr.P.C. The Applicant has already served six months imprisonment out of the major sentence of three years RI. The Appeal is not likely to be decided within the balance period of two and half years. Therefore, the Applicant can be released on bail during pendency of his Appeal.

8. Hence, the following order :

:: O R D E R ::

- i. During pendency and the final disposal of Criminal Appeal No.954/2024, the Applicant is directed to be released on bail on his executing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)