



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.792 OF 2024

Sagar Chandrashekhar Kurzekar

..VS..

**State of Maharashtra, through its PSO PS Weltur, Nagpur Rural,
Tahsil and District Nagpur and another**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri A.A.Dhawas, Advocate for the Applicant.
Shri N.B.Jawade, Additional Public Prosecutor for NA No.1/State.
Shri Yash Bage, Advocate Appointed for NA No.2/Victim.
Shri Digvijay Singh and Shri Dhiraj Ailani, Advocates for Intervenor.

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 21/10/2024

PRONOUNCED ON : 24/10/2024

1. By this application, the applicant seeks regular bail in connection with Crime No.114/2024 registered with the non-applicant/police station for offences punishable under Sections 3, 4, and 5 of the Immoral Traffic (Prevention) Act, 1956 and 143 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and 4 and 5 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and 17 of the Protection of Children from Sexual Offenders Act, 2012.

2. The applicant is arrested on 18.7.2024 and since

then he is in jail.

3. The applicant has been prosecuted as a confidential information was received at the police station that in order to gain financial benefits, the applicant is running an illegal brothel in his hotel namely “U” and “Me”, situated at Mendha. After confirmation of the receipt of the said information, a raid was conducted and during the raid, a minor girl was found. While conducting the raid, four mobile phones; one packet of condom; guest register, and cash amount of Rs.1830/- came to be seized. On the basis of the said report, police registered the crime against the applicant.

4. Heard learned counsel Shri A.A.Dhawas for the applicant; learned Additional Public Prosecutor Shri N.B.Jawade for the State; learned counsel Shri Yash Bage for non-applicant No.2/victim, and learned counsel Shri Digvijay Singh for Intervenor.

5. Learned counsel for the applicant submitted that except the said stray incident, there are no criminal antecedents against the applicant to show his involvement in running the

prostitution business. He submitted that the victim along with other co-accused came in the hotel and shown their Aadhar Cards and obtained a room. Thus, the room was given after obtaining relevant documents. Even, statement of the victim nowhere discloses that she was called there for the prostitution. Now, investigation is completed and chargesheet is filed. Further incarceration of the applicant is not required. In view of that, the applicant be released on bail.

6. Learned Additional Public Prosecutor for the State, learned counsel for the victim, and learned counsel for Intervenor i.e. Freedom Firm submitted that during investigation, it reveals that a victim minor girl was subjected for repeated sexual assault. Co-accused Vijay Meshram contacted her and as she was in need of money, she was asked to do prostitution. Accordingly, she was brought in the hotel of the applicant. They submitted that various entries in the hotel register show that regularly the prostitution business is carried out and the hotel is used as an illegal brothel. The Aadhar Card seized was a forged Aadhar Card. Genuineness of the Aadhar Card was verified and it revealed that by obtaining a forged

Aadhar Card, entry was given to her. Thus, considering involvement of the applicant in the prostitution business, the application deserves to be rejected.

7. Having heard learned counsel appearing for respective parties and perused investigation papers, it reveals that the raid was conducted by sending dummy customers in the said hotel. During investigation, it revealed that on regular basis, girls were brought for the prostitution purpose. The entries of registers seized by the investigating agency show involvement of the applicant in the alleged offence. Spot panchanama shows that incriminating articles like packets of condoms were found at the counter itself, which is incriminating circumstance. Statements of various witnesses recorded show involvement of the applicant in the alleged offence. The statement of the father of the applicant is also on record, which shows that while giving entry to the victim girl in the hotel, Aadhar Card was obtained. The original Aadhar Card was found.

8. Thus, *prima facie* involvement of the applicant in the

prostitution reveals from investigation papers.

9. Admittedly, trafficking humans is a heinous crime and crime against humanity resulting in human rights violation. It also includes trafficking minors.

10. In the present case, the victim, who was trafficked, was a minor girl under provisions of the POCSO Act. The act of the applicant is to be treated with sensitivity considering sixteen-year-old-girl was used for the prostitution purpose.

11. Thus, the applicant violated legal provisions and the minor girl was victimized.

12. Though it is submitted by learned counsel for the applicant that there are no criminal antecedents against the applicant, entries of various registers in the hotel reveal that on regular basis, the prostitution business is carried out in the said hotel.

13. Thus, considering gravity of the offence, especially, considering fact that a minor girl was brought for the prostitution purpose by the co-accused and with the help of the

applicant, she was forced for sexual activities, the same is to be considered as a serious crime.

14. Considering a *prima facie* case against the applicant, the application deserves to be rejected and the same is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!