

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

CRIMINAL BAIL APPLICATION NO. 5253 OF 2024

Shankarlal Bahadur Chetre

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Ganesh Gupta a/w Mr. Deepak Gupta, Ms. Roshini Naaz, Mr. Surya P. Gupta, Mr. Sahil Ghorpade, Mr. Madan K. and Ms. Priyanka Rathod i/b G. G. Legal Associates, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent No. 1.

Ms. Deepali Bagla (Through Legal-aid Panel), learned Advocate for Respondent No. 2.

PSI Mr. Pandit Manjare attached to Shikrapur Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th AUGUST 2025.

P.C. :

1. Heard Mr. Ganesh Gupta, learned Advocate for the Applicant, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Ms. Deepali Bagla, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 554 of 2023 registered with Shikrapur Police Station, District-Pune Rural for the offences punishable under Section 370(2) read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short), Sections 16 & 17 of the Protection of Children from

Sexual Offences Act, 2012 (“POCSO Act” for short) and Sections 4 to 8 of the Immoral Traffic (Prevention) Act, 1956 (“PITA Act” for short).

3. Mr. Ganesh Gupta, learned Advocate for the Applicant submits that the abovesaid crime is registered as Special Case No. 778 of 2023 and is pending on the file of Special Judge under POCSO Act, Pune.

4. There are 4 accused persons in the present crime. Applicant is Accused No. 3.

5. Case of the prosecution is that the Applicant was acting as an Agent/Pimp in the vocation of prostitution between the brothel and the victim ladies.

6. Applicant was arrested on 16th June 2023, since then he is in jail. Criminal Bail Application at Exhibit-20 filed by the Applicant in Special Case No. 778 of 2023, was rejected by the learned Special Judge under POCSO Act, Pune by order dated 3rd September 2024.

7. Mr. Ganesh Gupta, learned Advocate for the Applicant submits that the involvement of Applicant in the present crime is that of tout/pimp. He submits that the Applicant is alleged to have acted as a tout to solicit the victim ladies in the racket of prostitution on the basis of which the Applicant was earning his livelihood. Apart from the said allegation, there is no material on record to implicate the Applicant in the other offences charged. He relies on the orders passed in the cases of *Vishwajit v/s. The State*

of Maharashtra¹ and *Salauaddin Akbar Laskar v/s. The State of Maharashtra*². He submits that the facts in cases of *Vishwajit (supra)* and *Salauaddin Akbar Laskar (supra)* are similar and identical to the case of Applicant.

8. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the offences charged against the Applicant indicates the Applicant being a member of racket, wherein the innocent victims are made to suffer, which includes minors and children. He submits that the victim ladies have made a reference to the Applicant acting as a tout/pimp and introducing them to the customers.

9. Ms. Deepali Bagla, learned Advocate for Respondent No. 2 submits that Respondent No. 2 has referred to the Applicant as a tout/pimp, who used to introduce customers and receive his commission. She submits that the Applicant would repeat the offences, if released on bail. She submits that the offence would indicate a racket, who are exploiting women.

10. I have perused the records with the assistance of learned Advocates of the parties.

11. Perusal of the records reveals that this Court has granted anticipatory bail to the owner of brothel Mahesh Dherange vide order dated 24th January 2025. Investigation in the present crime is complete and charge-sheet is filed. Role attributed to the present Applicant is that he acted as an Agent of the victims. There are no

1 2018 SCC OnLine Bom 12910.

2 Criminal Bail Application No. 2958 of 2018 decided on 20th December 2018.

allegations against the Applicant of he forcing any of the victim or the minor victims in the flesh trade. Victims in the present crime are rescued by the police.

12. Considering the allegations against the Applicant, the role assigned to him in the said crime and by taking note of the view expressed by this Court in the cases of *Vishwajit (supra)* and *Salauaddin Akbar Laskar (supra)*, incarceration of the Applicant pending the trial is not warranted. Hence, the Applicant is entitled to bail.

13. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 554 of 2023 registered with Shikrapur Police Station, District-Pune Rural for the offences punishable under Section 370(2) read with 34 of the IPC, Sections 16 & 17 of the POCSO Act and Sections 4 to 8 of the PITA Act on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Special Judge under POCSO Act, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
 - d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Shikrapur Police Station, District-Pune Rural and shall keep the same updated, in case of any change thereto.
 - e. Applicant shall co-operate in the conduct of the trial of Special Case No. 778 of 2023 and shall regularly attend the hearing of the case pending on the file of Special Judge under POCSO Act, Pune, on each and every date, unless exempted from appearance.
 - f. Applicant shall report/attend before the Investigating Officer, Shikrapur Police Station, District-Pune Rural on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge in the said case.
14. Criminal Bail Application No. 5253 of 2024 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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