

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

Bail Application No.220 of 2025

Mehul Sandip Patil

Age- 28 yrs, Occ : Service

R/o Indiranagar Lonand,

Tal. Khandala, Dist. Satara

(At present Yerawada Central

Prison, Pune)

...Applicant

Vs.

The State of Maharashtra

(through Bhigwan Police Station,

Dist. Pune, vide CR No.239/2024)

...Respondent

Ms Seema S Dighe, Advocate for the applicant.

Mr SM Mangaonkar, APP for the respondent / State.

PSI VV Khade, Bhigwan Police Station.

Coram : R.N.Laddha, J.

Date : 18 September 2025.

P.C. :

By this application, the applicant seeks bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CR No.239 of 2024, registered at Bhigwan Police Station, Pune Rural, for offences punishable under Sections 143(2) read with 3(5) of the Bharatiya

Nyaya Sanhita, 2023, and Sections 3, 4, 5, 6, and 7 of the Immoral Traffic (Prevention) Act, 1956 ('PITA').

2. The first informant, at the relevant time, was working as a Police Naik at Bhigwan Police Station, Pune. On 6 July 2024, at about 12:00 hrs, ASI Vinod Mahangade received information regarding the commission of the offence of trafficking of women, allegedly taking place at Yashraj Hotel and Lodging, situated behind a brick factory, at Madanwadi, Taluka-Indapur. Upon receipt of the said information, ASI Vinod Mahangade organised a raid in accordance with the due procedure of law. For this purpose, he secured the presence of two independent panch witnesses and arranged for a decoy customer. Two currency notes of Rs.500/- each, duly noted, were handed over to the said decoy customer for the purpose of laying a trap. In pursuance thereof, the decoy customer proceeded to the aforesaid hotel establishment and handed over an amount of Rs.1000/- to the applicant/ accused No.1. Thereafter, the applicant/ accused No.1 allegedly arranged for the presence of one woman for the purpose of prostitution. As per the instructions earlier conveyed by the police, the decoy customer gave the pre-determined signal, upon which the police team immediately conducted a raid at the said

premises. The applicant, who was present at the scene, was apprehended forthwith. Subsequent to the said raid, the necessary formalities of the trap, including preparation of the panchnama, were duly completed in the presence of the independent witnesses. Thereafter, the first informant lodged a formal complaint narrating the aforesaid incident against the applicant and other accused persons. Accordingly, a crime has been registered against them under the relevant provisions of law.

3. The learned Counsel appearing on behalf of the applicant vehemently submits that the applicant is innocent and has been falsely implicated in the present crime. It is contended that even as per the case of the prosecution, the alleged victim had voluntarily entered the premises of the hotel, and there is no material to suggest that she was compelled or coerced by the applicant or by any other person. Furthermore, there is no material on record to indicate that the applicant had any knowledge of the alleged acts of prostitution said to have been carried on within the hotel premises.

4. It is further submitted that the applicant has been in judicial custody for a period exceeding fourteen months. The learned Counsel argues that the invocation of Sections

5, 6 and 7 of the PITA is wholly misconceived and inapplicable to the facts of the present matter. The alleged victim is admittedly a major, and it is an undisputed fact that the applicant is neither the owner nor the manager of the said hotel.

5. The investigation has already been concluded, and the charge sheet has been duly filed before the competent Court. In these circumstances, it is urged that no fruitful purpose would be served by continuing the applicant's incarceration pending trial. On instructions, the learned Counsel undertakes that the applicant shall not enter the territorial limits of Pune District until the conclusion of the trial proceedings.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request for bail, submits that the offence is of a grave and serious nature, bearing implications on public interests. While it is conceded that no further recovery or discovery are pending *qua* the applicant, it is nonetheless contended that the applicant was apprehended at the very locus of the alleged incident. Furthermore, it is asserted that two currency notes, which had been handed over to decoy customer as part of the investigative procedure, were

recovered from the possession of the applicant at the time of arrest. The prosecution relies upon this seizure as a material circumstance indicative of the applicant's *prima facie* involvement in the commission of the offence.

7. Upon meticulous examination of the material placed on record, it *prima facie* appears that the alleged victim was a major at the relevant time and has not made any assertion indicating that she was coerced, induced, or compelled to engage in prostitution. There is no allegation of force or undue influence attributable to the applicant. It is an admitted position that the applicant is neither the proprietor nor the manager of the premises in question, and further, there is no material to suggest that he has any prior criminal antecedents. The applicability of Sections 5, 6 and 7 of the PITA to the present factual matrix remains a matter of legal debate and requires adjudication during the course of trial.

8. The applicant has been incarcerated since 6 July 2024. Although the charge sheet was filed on 1 September 2024, the charges have not yet been framed, thereby resulting in a prolonged pre-trial detention. The learned Counsel appearing on behalf of the applicant, on instructions, has made an undertaking that the applicant shall not enter the

territorial limits of Pune District except for the purpose of attending the trial proceedings. The applicant further undertakes to cooperate with the trial Court for the expeditious disposal of the case. The apprehensions expressed by the prosecution regarding possible tampering with the evidence or influencing of witnesses can be adequately addressed by imposing conditions.

9. In view of the foregoing circumstances and considering the period of incarceration, the absence of prior criminal record, and the undertakings furnished, this Court is inclined to exercised its discretion in favour of the applicant. Accordingly, the application is allowed on the following terms :

(i) The applicant shall be released on bail in connection with CR No.239 of 2024 registered at Bhigwan Police Station, Pune Rural upon furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

(iii) The applicant shall not enter the territorial jurisdiction of Pune District, save and except for attending the trial proceedings.

(iv) The applicant, himself or through any other person, shall not tamper with the evidence and exert influence over witnesses.

10. The application stands disposed of accordingly.

[R. N. Laddha, J.]