

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3176 OF 2025**

Deepak Prasad Somar Mahato

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Prabhanjay R Dave a/w Jadhav Anish, *for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the Respondent - State.*

Shweta B. Chavan, Asst. Police Inspector, Central Crime Unit,
Thane City, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 11TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.28 of 2025 dated 8th January, 2025, registered with the Wagale Estate Police Station, for the offences punishable under Sections 143(1) of the Bhartiya Nyaya Sanhita, 2023 ('**BNS**'), Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 ('**PITA**') and Sections 66(d) and 67 of the Information Technology Act, 2000.

2. The facts of the case, as discerned from the statement of the victim is that the victim is aged 35 years was working as a side artiste in shooting events and earned her livelihood from the said profession. She has one son of 13 years of age and lives with her mother as her husband is deceased. It is alleged that she was in need of money to pay school fees of her child and hence when she was offered some amount to keep sexual relations with the customers. She agreed. On 7th January, 2025, the Applicant contacted her and offered to pay Rs.6,000/- out of Rs.10,000/- that she would earn by keeping sexual relations with the customers. The Applicant would keep the balance Rs.4,000/- as his charges. The police received this information and laid a trap by propping a dummy customer. Accordingly, the Applicant was apprehended alongwith two other co-accused. The FIR was registered and the Applicant came to be arrested on 8th January, 2025.

3. The Applicant made bail application before the Additional Sessions Judge, Thane, however, by order dated 21st July, 2025, said bail application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. At the very outset, Mr. Dave, learned counsel for the Applicant, has brought to my attention the orders of the Sessions Court granting bail to Accused Nos.2 and 3. It appears that the role attributed to the Applicant is identical to the role of the other co-accused. Hence, he submits that on the ground of parity the present Applicant deserves to be released on bail. He further submits that the ingredients of the provisions of the offences alleged against him are not satisfied. As far as Section 5 is concerned, he submits that there was no coercion on the victim and hence said Section would not apply. Similarly, there is no ingredient of extortion in the entire FIR or the statement of the victim. In these circumstances, the other Section would also not apply. He

further submits that Section 4 of the PITA may be applicable and be invoked against him as the statement of the witness indicates that Rs.4,000/- has been retained by the Applicant. However, the said offence is bailable. Thus, he submits that on these two grounds the Applicant be released on bail.

5. Mr.Dabke, learned APP, representing the State, resists the Bail Application. He submits that the offence is serious. He further submits that the grounds of rejection by the Sessions Court in respect of the Applicant clearly indicates that there is a cogent reason as to why bail should be rejected. He also submits that one of the co-accused was granted bail because his mother was expired and hence there is no parity between that co-accused and the present Applicant. He thus, submits that present application be rejected.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. I have gone through the orders passed by the Sessions Court enlarging the co-accused on bail. Although a distinguishable fact of the death of the mother of one of the accused is admitted, the role attributed to the present Applicant is identical to the role attributed to the other co-accused. Insofar as the arguments of the learned counsel for the Applicant is concerned, pertaining to applicability of the provisions invoked against him, it is the Trial Court which will deal with the said issue during the course of the trial. The Applicant is arrested on 8th January, 2025 and has suffered incarceration of 10 months. Admittedly, there are no antecedents insofar as the present Applicant is concerned. It is not likely that the Applicant will intimidate the victim as the victim has stated that she herself had agreed for the said act. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m. till charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)