



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

CRIMINAL APPLICATION (BA) NO.97 OF 2025

(Ganesh s/o Keshav Pattebahadur Vs. The State of Maharashtra thr. PSO Police
Station Ramdaspath, Akola and another)

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for Applicant.
Ms. H. N. Prabhu, APP for Non-Applicant No.1/State.
Ms. Ragini Swami, Advocate (Appointed) for Non-Applicant No.2.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 24th APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 15.06.2024 in connection with Crime No.234/2024 registered with Police Station Ramdaspath, Akola District Akola for the offences punishable under Sections 370(A), 372, 376, 376(2)(n) read with Section 34 of the Indian Penal Code and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 and Sections 4, 5(n), 6, 8, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant is arraigned as an accused on the basis of the report lodged on 15.06.2024 by API Chandrakala Mesare thereby alleging that on 14.06.2024 information was taken from the Member of Freedom Firm, Nagpur wherein it was alleged that at Mahaveer Guest

House, Akola prostitution activities were carried out at Mahaveer Guest House by inducing girls to engage into prostitution. Accordingly, the police staff, *panchas* concerned persons from NGO Freedom Firm carried out the raid at the Guest House. The dummy customer was sent at the spot with 14 currency notes of Rs.500/-. The accused persons namely Vaibhav Mirajkar and Ravindra Jain were found at the spot. Further, the victim girl was also found by the concerned raiding party at the spot. The investigating agency seized the relevant material from the spot, after registration of the FIR, the statement of the victim was recorded and it revealed that involvement of applicant is in prostitution. During investigation the involvement of the present applicant reveals as he was completely relied upon the earning of the victim by the prostitution. During investigation it further revealed that the mobile phone of the present applicant were seized wherein various photographs of the girl and the chat between the customers was also seized by the investigating officer from which it reveals that the present applicant was indulged in the prostitution business and was earning his livelihood by engaging the victim and other girls in a prostitution. On the basis of the said report, the charge-sheet is filed against the present applicant.

4. Heard learned counsel for the applicant who submitted that the alleged offence is punishable upto 7 years there are criminal antecedents against the present applicant. He submitted that there are two offences

registered against the present applicant. The statement of the victim itself sufficiently shows that she was in the act of the prostitution voluntarily. The present applicant is neither owner of the lodge or the lodge where the victim was found. Now investigation is already completed, charge-sheet is already filed. Further incarceration of the present applicant is not required. In view of that, he be released on bail.

5. In support of his contention, he placed reliance on the order of this Court in Criminal Application (BA) No.320/2024 decided on 01.07.2024 and Criminal Application (BA) No.124/2024 decided on 17.04.2025.

6. Learned APP and learned counsel for the victim strongly opposed the said application and submitted that not only the present applicant was relied upon the earning of the victim which was by way of prostitution but during investigation his mobile phone was seized wherein the photographs of various girls obtained from various angles were found which were share by the present applicant with the customers there is a chatting with the customers also calling them to earn the money by way of prostitution. In view of that, considering the role of the present applicant who has circulated the photograph of the victim and various girls for the purpose of prostitution and therefore, the application deserves to be rejected.

7. After hearing both the sides and on perusal of the investigation papers it reveals that during investigation mobile phone of the present applicant was seized wherein

the photographs of various girls obtained by various angles are found. The investigation papers further reveals not only the photographs are found but there was a chatting between the customers and the present applicant and present applicant has also forwarded some photographs to the customers. It further reveals from the investigation papers that present applicant is relied upon the income which the victims are gaining from the prostitution as far as the victim in the present case is concerned who is below 17 years of age therefore, her consent not required. He also placed reliance on the order passed by this Court wherein this Court has considered the decision of this Court in the case of ***Freedom Firm v. Commissioner of Police, Pune [(2015) 10 BOM CK 0175]*** wherein this Court has considered that the fundamental right of the victim not to be trafficked. The guidelines are issued as to the release of the accused on bail who are indulged in the offence which are registered under the PITA Act. It is observed by this Court that the antecedents of the accused, the trafficker would be easily seen to have been earlier apprehended and arrested. Such accused are habitual offenders. While considering the bail application this fact assumes importance and keeping in view the above said aspects the bail application is to be decided.

8. In view of the above observation of this Court and considering the criminal antecedents against the present applicant of the similar nature. The involvement of the present applicant reveals in the human trafficking as well as relying upon the income by way of human trafficking.

The application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is hereby rejected.

9. The fees of the appointed counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)