

ORDER BELOW EXH. 8 AND EXH.11 IN SCC NO.9803/2019

The accused no. 1 and 2 have sought bail on following grounds-

- i. Investigation is completed and nothing to be recovered and discovered at the hands of accused.
- ii. The accused have movable and immovable property within the jurisdiction of the court there is no possibility of absconding.
- iii. No customer was found at the alleged place of brothel.
- iv. The alleged girls were not produced before the magistrate.
- v. Special officer was not appointed for conducting the raid.

2. The application is opposed by learned APP on the following ground-

- i. The accused were involved in similar offences. They have criminal antecedents.
- ii. There is possibility of absconding if they are released on bail.
- iii. The offence is serious in nature and against the society.

3. Shri. A. K. Thakare, the learned advocate for the accused no.1 relied upon the judgment of *Miss. Ruksana Irfan Sahikh V/s State of Maharashtra, 2017 (10) LJ SOFT 15* to urge that there is no statement of victim that the accused induced them to indulge in the prostitution. The investigation is completed. Further custody of applicant is not necessary. Therefore, bail may be granted.

4. Shri. A. K. Bhosale, the learned advocate for the accused no.2 argued that proper procedure is not followed while conducting the raid. Customer was not found at the time of alleged raid. Therefore, he prayed for granting bail.

5. As per directions given by the Hon'ble Bombay High Court in case of *Freedom Firm V/s Commissioner of Police, Pune (Criminal Public Interest litigation No.4/2015)* report of investigation officer in respect of antecedent of the accused, previous involvement in similar offences, permanent address and movable and immovable property of the accused is the called. The report shows that accused no.1 and 2 were found running brothel whenever their verification is made. Offence punishable under Section 4 and 5 of Prevention of Immoral Traffic Act are registered against the accused no.1 vide Cr. No.3007/2012, 3019/2015. The offences punishable under Section 376, 354 vide Cr. No.179/2016 is also registered at Waluj Police Station. Offence punishable under Section 4, 5 of Prevention of Immoral Traffic Act are registered against the accused no.2 vide Cr. No.299/2017, 485/2016.

6. Contents of F.I.R. shows that raid was conducted by API Sonawane, P.I. Aade and other police staff on instructions of Deputy Commissioner of Aurangabad Division. Allegations further shows that punter was sent and the accused were caught red handed while providing victims for prostitution. Charge-sheet shows involvement of the accused in the crime. Report of I.O. shows that accused no.1 is not having immovable property in his own name and accused no.2 not having immovable property.

Therefore, grounds on which bail is sought are baseless.

7. Considering the involvement of the accused in similar offence, I am of the view that possibility of committing similar offence after releasing on bail cannot be ruled out. The accused are not entitled to be released on bail. Therefore, the application deserves to be rejected. Hence, following order is passed.

ORDER

The application is rejected.

sd/-

[A. J. Patil]

Judicial Magistrate (F.C.)
(Court No.14), Aurangabad.

Date : 29/08/2019

CERTIFICATE

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| I affirm that the contents of this P.D.F. file judgment is same, word to word, as per the original judgment. | |
| Name of the Stenographer : | Smt. R.D.Yadav |
| Court | J.M.F.C. Court No.14, Aurangabad |
| Date | 29.08.2019 |
| Judgment signed by the presiding officer on | 29.08.2019 |
| Judgment uploaded on | 31.08.2019 |