

**ORDER PASSED ON EXH. 120 and 145**  
**IN MCOCA Case NO. 25/2018**  
**CNR No.MHPU01-006626-2018**

1) Both the applications, at hand, have been filed under section 439 of Cr. P.C. and 21(4) of MCOC Act seeking bail. The applicants and co-accused have been charge sheeted for offences under section 3, 4, 5 of P.I.T.A. Act, 370, 370-A r/w. 34 of IPC and 3(1)(ii), 3(2) 3(4) of MCOC Act pursuant to C.R. No. 757/2017 registered with Yerwada Police Station on the FIR lodged by Asstt. Police Inspector Smt. Sheetal Bhalekar attached to Society Security Wing, Crime Branch, Pune City.

2) Heard Advocate of applicants and Spl. P.P. I have gone through documents produced by the applicants and investigation made so far.

**Brief Facts :-**

3) According to prosecution case, on 18.9.2017 a secret information was received by the Crime Branch, Pune that in Hotel Hayat, Ramwadi, Pune-Nagar Road, prostitution business is going on and several girls brought from various parts of the country and from abroad are completed to work as prostitution. About 19.15 hours, on 18.9.2017 the raid was effected on Hotel Hayat. The raiding party rescued several girls from the Room No. 1124, 1121 and 1644 of the hotel. The accused nos. 1 to 3 were arrested on 21.11.2017, the accused no. 4 to 8 were arrested on 28.11.2017, accused no. 9 was arrested on

4.3.2018, accused no. 10 came to be arrested on 13.3.2018, accused no. 11 was arrested on 24.03.2018 and accused no. 12 has been arrested on 26.03.2018. During the course of investigation, 19 cell phones, 5 laptops were seized. It was transpired in the investigation that Krishna Sing Surendrasing is leader of Organized Crime Syndicates indulged into human trafficking. Several crimes in various police stations have been registered against the applicants and co-accused for offences u/s. 370, 370-A of IPC and for the offence punishable u/s. PITA Act. The I. O. collected documents regarding criminal antecedents of the applicants and co-accused, recorded statement of witnesses, collected CDR from several mobile companies in respect of conversation made on the cell phones seized, obtained sanction u/s. 23(2) of MCOC Act and filed charge sheet against the applicants and co-accused.

4) The allegations against applicant Amerendra Sahu is that he is active member of Organized Crime Syndicate, headed by accused Krishna Sing. That he was continuously in contact with accused Krishna Sing and other accused and was managing the flesh trade. His mobile number was published on different websites concerning he prostitution, call girls services and sexual rackets. He came to be arrested along with accused no. 1 and 2 on 21/11/2017 and since then he is in judicial custody.

5) The allegations against applicant Shiva Choudhary are that he was one of the member of Organized

Crime Syndicate headed by accused Krishna Sing. That he used to handle money transactions which has been reflected from his bank accounts. He is absconding accused in other crime also. After registration of crime this applicant had left the country and went to Nepal.

**Arguments : -**

6) Learned advocate Mrs. T. D. Dhapaokar for applicant Amrendra Sahu, has argued that there is no evidence against the applicant to show that he is involved in commission of the crime. That there is no material to show that he is member of Organized Crime Syndicate and therefore, he is entitled for bail.

7) Learned Advocate Mr. P. S. Jadhav for applicant Shiva Choudhary has argued that the applicant is not involved in the offence, bank transactions cannot be said to be evidence of business of prostitution, that the confession of applicant accused was not recorded in conformity with the procedure laid down by the statute and therefore, it is inadmissible. According to learned advocate only because the applicant is absconding for some time, it cannot be presumed that he is guilty. According to him, there is no material to show that the applicant is member of Organized Crime Syndicates and therefore, he is entitled for bail.

**Consideration :-**

8) I have carefully gone through the chargesheet there is clear evidence of involvement of both the applicant

in the offence. So far as applicant Amreadra Sahu is concerned, his mobile number was published on different websites, which were running sex rackets and business of prostitution. There are CDR which show his contact with co-accused. This evidence is sufficient to show his involvement in commission of offence as well as in larger conspiracy of the Organized Crime Syndicate.

9) So far as applicant Shiva Choudhary is concerned, his name has appeared in the confessional statement of accused Rahul Bhattacharya as an agent in the business of prostitution. Confessional statement has been recorded by Deputy Commissioner of Police under section 18 of the MCOC Act. Said confessional statement is admissible against the other co-accused in the same case.

10) Apart from the confessional statement there are bank transactions, which show involvement of applicant in the commission of offence. The applicant has no plausible explanation about the bank transaction to show that those were not done for business of prostitution. Applicant Shiva Choudhary is resident of Nepal. If he is released on bail, there is every possibility that he will get absconded.

11) There is sufficient material to show that the applicants are members of the Organized Crime Syndicate which is headed by accused Krishna Sing. The call details on record and previous crime-chart submitted along with chargesheet makes the situation clear. The previous crimes committed by co-accused Krishna Sing and others are the instances of continuing unlawful activities of the Organized

Syndicates. It is necessary to note that in crime no. 144/2017 registered u/s. PITA Act, applicant Amrendra Sahu was the accused with accused Krishna Sing. There are various other crimes registered under PITA Act, with the provision of IPC against Krishna Sing and other co-accused. This is clear evidence of existence of Organized Crime Syndicates, headed by accused Krishna Sing.

12) The present crime has been committed by the accused persons as members of Organized Crime Syndicates. They all played different roles but with common object to run business of prostitution. For that purpose, they detained various lady victims. From the brothel several girls were rescued. There is specific involvement of both applicants in running business of prostitution, procuring girls for prostitution and making flesh trade. When it is so, if the applicants are enlarged on bail, there is every possibility that they would get indulged in similar unlawful activities. Also, there is apprehension of applicants getting absconded. Possibility of tampering evidence by pressuring the witness, and more particularly the victims, cannot be ruled out. Therefore, the applicants are not entitled for bail, in view of provision u/s. 21(4) of MCOC Act. Accordingly, the applications deserves to be rejected. Hence, I proceed to pass following order :

**ORDER**

Application Exh. 120 and 145 are rejected.

Date : 22/11/2021

( S. R. Navandar )  
Additional Sessions Judge, Pune.

## **CERTIFICATE**

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	A.S. Shivapurkar Stenographer Grade I
Name of Court	Shri. S.R. Navandar, Addl. Sessions Judge, Pune.
Date of Order	22.11.2021
Order signed by PO on	22.11.2021
Order uploaded on	23.11.2021