

RCC No.635/2019
State Vs. Saurabh & Ors.

**Order Below bail application of the accused no.1 Saurabh
Rangle at Exh.02.**

[Passed on 10/07/2019]

The present application is filed by the above named accused for bail after filing of charge-sheet.

2. Read the application and say. Heard Ld. Advocate for the accused. Heard Ld. APP.

3. I have gone through the record and proceeding. It is the submission of the Ld. Advocate for accused that, the accused is falsely implicated in the given crime. He has no role to play in it. The accused is labour contractor and have no nexus with th Kunal Lodge. It is owned by some different persons. The accused even does not know them.

4. Ld. Advocate for accused also submitted that, the investigation is not conducted by the Special Investigation officer as required by Provisions of Immoral Traffic (Prevention) Act, 1956 (for short 'PITA Act') and hence on that count the custodial detention of the accused is not justified.

5. Ld. Advocate for accused placed reliance on the judgments of Hon'ble High Court filed vide list at Exh.03. Thus, Ld. Advocate for the accused has prayed for bail. He also submits that the accused is ready to abide terms and conditions, if any, imposed by this Hon'ble Court.

6. On the contrary Ld. APP submitted that, the offences are serious one. The investigation is on in respect of the other absconding accused persons. The accused if released on bail, then he will flee from the place and will not be available for trial.

7. I have considered the submissions advanced by both sides. I have also considered the case laws referred by the Ld. Adv. For accused. There is no dispute about the ratio laid down in it. Those are pertaining to powers of grant of bail and the appointment of Special officer for the investigation of offences under the PITA Act.

8. Here it is pertinent to note that, the role of accused no.1 is specifically traced in the given crime. He was found to have using the victims for the purpose of prostitution. His role is not stated to be as owner of the place used for the purpose of prostitution but as supplier of victims for the said purpose. Hence, the arguments advanced by Ld. Advocate for accuse that, the accused has no concern with the alleged place of prostitution is misconceived.

9. The offences are no doubt serious in nature. The charge-sheet supports the accusations against the accused and the same are subject to verification during trail. The possibility of accused fleeing from the place can not be overruled. Hence, the accused is not entitled to be released on bail.

10. Now so far as the issue of investigation by Special officer as required by Sec. 2(i) of the PITA Act is concerned it shows that the special officer means an officer appointed by the Government for particular area for the purpose of said Act. Here there is nothing on record to show that, the investigating officer is not duly appointed by

the Government for the purposive of above provision.

11. Hence, considering all the aspects and facts and circumstances of the acse and considering the nature of offences and its seriousness, I am not inclined to release the accuse don bail.

Hence, the order.

ORDER

(a) The application is rejected.

Pronounced in the open Court.

Dated : 10/07/2019.

[Devendra B. Patange]
Judicial Magistrate First Class,
Court No.2, Khed-Rajgurunagar