

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.3586 OF 2007

Shivaji Vishram Naik ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.L.R.Chari, Senior Advocate with Mr.Sudatta Patil
for applicant

Mr.K.V.Saste, Assistant Public Prosecutor for the
State

CORAM : V.C.DAGA, J.

DATE : 31ST OCTOBER, 2007

P.C.

1. Heard learned counsel for the applicant and the learned APP. The applicant is seeking bail under Section 439 of the Criminal Procedure Code in connection with C.R.No.I-176/2007 registered with Kolsewadi Police Station, Kalyan, District Thane for the offence punishable under Sections 363, 366A, 376, 109 of the Indian Penal Code and Sections 4 & 5 of the Prevention of Immoral Traffik Act. The applicant is sought to be

prosecuted by the prosecution contending that he is manager of the lodge in which according to the prosecution, business of prostitute was being conducted. There is no material produced on record at this stage to show that the applicant is the Manager of the lodge. In this view of the matter, in my considered view, the applicant would be entitled for bail subject to following conditions :

(a) The applicant, arrested in connection with C.R.No.I-176/2007 registered with Kolsewadi Police Station, Kalyan, District Thane shall be enlarged on bail on executing P.R.Bond in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned police station once in a week i.e.on every Monday between

3.00 to 5.00 p.m. till conclusion of the trial.

- (c) The order of bail will be given effect only after the applicant furnish to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

- (d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution

evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

3. Application stands disposed of accordingly.

(**V.C.DAGA, J.**)

