

ORDER BELOW EXH. 1 IN CRIMINAL BAIL APPLICATION
NO.1/2018
CNR NO.MH01-000001-2018

Applicant Namdev Nivrutti Jadhav has applied for bail under section 439 of Cr. P.C in C.R.No.I-418/2017 registered in Bhiwandi City police station for the offence under section 370(1), (3) read with 34 of Indian Penal Code and section 3,4,5,7 of PITA Act.

2. It is contended that the accused is falsely implicated. In this case he is not running any Borthel nor he has procure any women for prostitution. He is agent of Shub Labh Nagri Ssahakari Patsanstha Maryadit, Bhiwandi. He daily collect Rs.100/-or Rs.200/- from 36 depositors. At the time of raid he was present. He had gone there to collect money. He has produced ID card, application form of agent and xerox copies of pass books and daily collection data for the period of 23.10.2017 to 20.12.2017. The accused and victim are the Account holders of Shub Labh Nagri Sahakari Patsanstha Maryadit, Bhiwandi.

3. It is submitted that the investigation is completed. His further detention is not required, therefore, he may be released on bail. He had filed copies of applications which he had given to the police station and Commissioner of Police against Ashfaque @ Pappu Afaque Momin and Shri. Mod. Yakb Mumtaz A. Ansairi, who had threatened him to involve in false case. He had produced all these documents along with this application.

4. Investigating Officer has opposed the application by giving say at Exh.4. It is contended that the raid was conducted on 20.12.2017 at about 10.30 p.m. in the room of Shahnawaj Bardi, at Hanuman Tekdi. At that time this applicant was present and he

was found in possession of one note book, it was entries of various men and women about receiving of various money so it is the case of prosecution that accused Jayanti @ Asha Balaji Yashti, Laxmi Balkrushna Bishti and this applicant Namdev Nivrutti Jadhav in furtherance of their common intention had doing prostitution by keeping five women in their custody and they were living on the income of prostitution.

4. I heard Ld. Counsel on behalf of the accused and Ld. APP.

5. I perused documents which are produced by Shub Labh Nagri Sahakari Patsanstha Maryadit, Bhiwandi and copy of agent application form in Shub Labh Nagri monthly balance reports, copy of receipt of daily collection, copy of daily collection pass book. Account opening form of 36 numbers, copy of application given by him to the police Commissioner on 20.12.2017 against Ashfaque @ Pappu Afaque Momin and Mohd.Yakub Ansari, who had threatened to involve him in false case. He had also given such application to DCP Zone-2, Bhiwandi on 19.12.2017 and 18.12.2017.

6. In this case five victims are major they are above 25 years of age. The present applicant was the agent of Shub Labh Nagri Sahakari Patsanstha Maryadit, Bhiwandi. The documents shows that prima facie he was agent of that bank and he was collecting money daily from 36 customers of which the victim and accused are the account holder.

7. The court is of the view that investigation is practically completed. Further custody of the applicant behind the bar is not required. The victims are major. There is prima facie case made out against the applicant to release him on bail. Hence, I pass following order.

: ORDER :

1. Application is allowed.
2. Accused Namdev Nivrutti Jadhav shall be released on PB and SB of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two local solvent sureties in like amount.
3. He shall not tamper and pressurize the victim and other witnesses by any means.
4. He shall not repeat any offence.

Thane.

Date :24/01/2018.

(S.C. Khalipe)

Additional Sessions Judge, Thane.