

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1875 OF 2015**

Yogesh Raghuram Pujari & Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Ms. Sonal Parab I/b Rajeev Sawant & Associates for the Applicants

Mr. S. S. Pednekar, A.P.P for the Respondent-State

PI Mr. S. T. Jadhav from Rabodi Police Station, Thane is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 7TH OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. I-279 of 2015 registered with the Rabodi Police Station, Thane, for the alleged offences punishable under Sections 308, 34 of the Indian Penal Code.

3. According to the complainant, on 27th August, 2015, at 12:30 a.m. a raid was conducted by police officers on Honeycomb Bar and

Restaurant, situated in Aligh Chambers. It is alleged that during the said raid, four singers and four female dancers were found dressed in short clothes, trying to lure the customers. It is alleged by the complainant that when the premises was searched, they came across one wall on the ground floor near the garage and from inside the said place they heard the shouts of “*bachao bachao*”. On hearing the said cries, it is alleged that the complainant and others started kicking the said wall, pursuant to which, a hidden door opened, and 10 bar girls wearing short dresses, were found in the said room. According to the complainant, the said room had no ventilation and that the air-conditioner and the fan were not working. Pursuant to the same, the aforesaid offences came to be lodged.

4. Learned Counsel for the applicants submitted that on a perusal of the complaint, no offence under Section 308 of the Indian Penal Code is disclosed. She submitted that the applicant No. 1 is a cashier; the applicant No. 2 is a bar tenderer and the applicant Nos. 3 and 4 are watchmen working in the said hotel. He submits that no specific role is attributed to the present applicants. According to her, it is not the case of the prosecution, that the applicants had hidden the girls in the said room.

5. Learned A.P.P submitted that there are antecedents against all the applicants of a similar nature, lodged in the year 2014.

6. Considering the nature of allegations *qua* the applicants, *prima facie*, it is doubtful whether an offence under Section 308 is applicable in the facts of the present case. Accordingly, the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each, with one or two sureties in the like amount;

(ii) The applicants shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the disposal of the case;

(iii) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released

and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicants to cooperate with the conduct of the trial;

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
order.
