

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4637 of 2016

District : Parbhani

Rajendra s/o. Suryabhan Lahase,
Age : 34 years,
Occupation : Labour & Hawker,
R/o. Dadegaon Road,
Opp. Police Colony,
Shevgaon, Taluka : Shevgaon,
District : Ahmednagar. .. Applicant.

versus

1. The State of Maharashtra,
Through Police Station,
Nanalpeth, Parbhani,
Taluka & District : Parbhani.
2. The Superintendent of Police,
Parbhani,
District : Parbhani. .. Respondents.

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Mr. S.J. Salunke, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 19TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 308/2016 for offences punishable under Sections 5 & 6 of the Immoral Traffic (Prevention) Act, 1956, and under Sections 366, 370, 342, read with Section 34 of the Indian Penal Code, registered against him at Police Station, Nanalpeth, Parbhani, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for respondents / State & its authority.

3. The learned Addl. Public Prosecutor submitted that main accused Shabana is running a racket of prostitution in association with the present applicant and therefore the present applicant is not entitled for pre-arrest bail.

4. Perused the FIR as well as the record made available. The crime in question registered on the FIR lodged by Amrapali Raju Gaikwad. Averments are to the effect that she as well as her sister-in-law Usha had borrowed an amount of Rs. 3,000/- for payment of rent to the landlord but they both were not in a position to refund that amount of the hand loan. Therefore, they both told Shabana that they will work for her. In this way, the amount of hand

loan can be adjusted. According to the informant, she and Usha then accompanied Shabana to Shegaon. According to the informant, the present applicant was also with Shabana. The FIR then discloses that Shabana insisted the informant and Usha to indulge in prostitution which they refused. It is further averred that then Shabana assaulted Usha and pressurized both of them. Except accompanying Shabana and the informant as well as Usha, no other act is attributed to the present applicant. Nothing tangible is shown to infer that the present applicant is actively participating in running the racket of prostitution.

5. In that view of the matter, considering the nature of evidence available against the present applicant, his custodial interrogation is not warranted.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The order dated 20th August 2016, granting ad interim anticipatory bail to the applicant, is confirmed on the same terms and conditions. In addition, the applicant shall attend concerned Police Station on 25th September 2016, in between 11.00 a.m. and 01.00 p.m. and cooperate with the Investigating

Officer in investigation of the crime in question.

7. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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