

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

ANTICIPATORY BAIL APPLICATION NO. 851 OF 2016

Shri Rahul Subhash Jadhav ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms. Shruti Kandoi i/by Umesh Manakapure, Advocate for the Applicant.

Mr. Deepak Thakarey, APP for the State.

CORAM : A. M. BADAR, J.

DATE : 21st JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 137 of 2016 for the offences punishable under sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, registered with Vita Police Station, Dist. Sangli, by this application under section 438 of the Criminal Procedure Code, is praying for pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State. The learned counsel for the applicant argued that now charge-sheet has been filed and during the entire investigation nothing incriminating could be found against the present applicant. As against this, learned APP argued that during investigation, the

statement of Sujit Patil, an employee from Dreamland Hotel came to be recorded and the same is showing complicity of the applicant in the crime in question.

3 Perused the chargesheet. According to the prosecution case, main accused Pravin Mirche was conducting business of prostitution and was living on the earnings from the prostitution. For this purpose, he used to provide women to his customers at Dreamland Hotel and Lodge situated near S.T Stand at Vita town. On getting this information, the police raided the premises, after employing the decoy customer and providing necessary amount to him. In that raid, some women were found engaging in prostitution and some amounts also came to be seized apart from the amount provided by the police to the decoy customer.

4 So far as this present applicant is concerned, it appears that he is neither named in the FIR nor found on spot of the incident. Witness Sujit Patil, an employee of the Dreamland Hotel where this raid was conducted, has stated that the present applicant had come on two or three occasions with main accused-Pravin Mirche.

5 Prima facie, as such complicity of the applicant in the crime in question is doubtful. Mere visit to the hotel with main accused on 2 or 3 occasions is the role attributed to the

present applicant. As such custodial interrogation of the present applicant is not warranted and that too after filing of the charge-sheet against the main accused. Hence, the following order :-

ORDER

- i. This application is allowed
- ii. In the event of arrest, the Applicant/accused in Crime No. 137 of 2016 for the offences punishable under sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, registered with Vita Police Station, Dist. Sangli, be released on bail furnishing P.R. bond in the sum of Rs. 10,000/- and on furnishing solvent surety in the like amount.
- iii. As condition of this order, the Applicant/accused should attend the Vita Station, Dist. Sangli, on 3rd July, 2016 and he should co-operate with the investigating officer.
- iv. In addition, the applicant /accused is directed that he shall not extend any threat, inducement or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the

Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.

This application is disposed of in the above terms.

(A. M. BADAR, J.)

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