

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1623 OF 2016**

Shree Somnath Bhau Lohar ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.Sarang S. Aradhye for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent -State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : NOVEMBER 24, 2016.

P. C. :

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State.

2. This is an application under section 438 of the Code of the Criminal Procedure, 1973. The Applicant herein is apprehending his arrest in Crime No.483 of 2016 registered at Pandharpur Taluka Police Station for offences punishable under Sections 3, 4, 5 and 6 of the Prevention of Immoral Traffic Act, 1956.

3. It is the case of the prosecution that the Applicant herein is

the owner of Hotel Rajmudra, which is situated at Bhairavnathwadi, Taluka Pandharpur, District-Solapur. The Applicant is residing at Pune. The hotel is being run by his son, who was arrested in the present case and has been enlarged on bail. The son has entered into an agreement with Mr. Nagesh Rajaram Thorat and hotel was run by Nagesh Thorat. It is the case of the prosecution that on 4th August, 2016 report was lodged at the police station alleging therein that on the basis of secret information raid was effected in the said hotel and it was reported that the hotel was being used as a brothel. The women who were caught in the said hotel were of major age and it appears from their statement that they were voluntarily indulging in the prostitution.

4. Without going into the merits of the matter, in view of the very fact that the Applicant was not running the hotel, the Applicant deserves pre-arrest bail.

5. It is made clear that the observations are restricted to an application under section 438 of the Criminal Procedure Code and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

O R D E R

- (i) The application is allowed.
- (ii) In the event of arrest the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

6. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)