

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1667 OF 2016

Dinesh Mahadev Jadhav	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ritesh Thobde, Advocate for the applicant.

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

Mr. Kokare, PSI, Sadar Sadar Bazar Police Station, Solapur City.

CORAM: SMT. SADHANA S. JADHAV, J.

DATE : 4th October, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.418 of 2016 registered at Sadar Bazar Police Station, Solapur, for the offence punishable under Sections 370(2), 370(3) of the IPC and under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956.

2. It Is the case of the prosecution that the applicant herein happens to be the owner of Hotel Maharaj. That by an agreement dated 15.4.2016, the Manager of the said Hotel Vijay Jadhav had given the said hotel to Rafique Shaikh for conducting business. A license agreement was executed. After expiry of the said lease, an agreement was executed between the present applicant and Nasar Ismail Sayyad on 15.4.2010. The hotel was thereafter being run by Mr. Sayyad. The agreement was for a

period 1.4.2010 to 31.3.2013. It is seen that thereafter, the applicant had once again renewed the agreement with Rafique Shaikh on 6.7.2015 and Rafique Shaikh was running the said hotel and the said leave and license is renewed upto 31.3.2018.

3. It appears from the papers of investigation that ever since 2004, no person is running the hotel. It is given at rent for conducting the said business. In view of this, the applicant does not visit the hotel premises and does not interfere with the affairs of the hotel. In the raid dated 31.8.2016, conducted by Ekta Vikas Aagman, 11 women were found. It is pertinent to note that all women are major and have disclosed to the police in the course of investigation that they have voluntarily entered into the said business.

4. Be that as it may, since the applicant was not concerned with the day to day affairs of 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 Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on

furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station on four consecutive Sundays between 10 a.m. to 12 noon and shall co-operate with the investigating agency to the best of his capacity.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)