

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

CRIMINAL BAIL APPLICATION NO. 2121 OF 2016

1 Ashok Dayanu Pawar
2 Akash Ajay Ballari. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL BAIL APPLICATION NO. 1968 OF 2016

Iqbal Hussain Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL BAIL APPLICATION NO. 2094 OF 2016

Rafique Husensab Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL BAIL APPLICATION NO. 2100 OF 2016

Nitin Anil Gaikwad. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ritesh Thobde, advocate for applicant in BA 2121/16.

Mr. Kamran Shaikh, advocate for applicant in BA 1968/16.

Mr. Ujwal Agandsurve, advocate for applicant in BA 2094/16.

Mr. P.G. Sarada, advocate for applicant in BA 2100/16.

Mr. S.S. Pednekar, APP for State in BA 2121/16 and BA 2094/16.

Mr. Prashant Jadhav, APP for State in BA 1968/16.

Ms. Veera Shinde, APP for State in BA 2100/16.

Mr. Swamirao C. Patil, PSI, Sadar Bazar Police Station, Solapur.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 17, 2016

P.C.:

1 Heard the learned Counsel for the applicants in each case and the learned APP for State. Perused the papers of investigation.

2 These are the applications under Section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 1/9//2016 in Crime No. 418/2016 registered at Sadar Bazar Police Station, Solapur for offence punishable under section 370(2)(3) of the Indian Penal Code and section 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

3 It is the case of the prosecution that on 31/8/2016 at the behest of one NGO namely Sarvajanik Ekta Vikas Agman, a raid was conducted in the premises of Maharaja Hotel, as they had secret information that there are illegal activities going on in the said hotel. At the time of raid, 11 women and some customers were found in the hotel. The offence was registered.

4 It was revealed in the course of investigation that the original owner of the said hotel is one Dinesh Mahadev Jadhav. He was not running the said business personally. It appears that an agreement was signed between Dinesh Jadhav and Rafique Husensaheb Shaikh, the applicant in Criminal BA No. 2094 of 2016 and that by virtue of the said agreement, the applicant was running the said hotel since 2003. The agreement is dated 7/7/2015. The agreement is in force till March, 2018.

5 Perused the papers of investigation. The statement of the 11
women were recorded. They had specifically submitted that they
were visiting the said hotel intermittently and voluntarily. They have
not been forced into prostitution. That it was a source of income for
running their family.

6 The applicants in Criminal BA No. 2121/16 are the customers,
who were present at the time of raid. They were taken into custody.
In fact, they could not have been taken into custody under any of the
provisions of the Immoral Traffic (Prevention) Act, 1956.

7 The applicant in Criminal BA No. 2100/16 is alleged to be an
agent of the women. The women have specifically stated that they
were indulging into the said activities voluntarily and have not been
coerced by the applicant in Criminal BA No. 2100/16.

8 The applicant in Criminal BA No. 1968 of 2016 was conducting
the business and had entered into an agreement for the purpose of

running permit room and not the lodging business.

9 Taking into consideration the nature of allegations and the fact that the applicants have been in custody from 1/9/2016, the applicants deserve to be enlarged on bail.

10 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

ORDER

(i) The applications are allowed.

(ii) The applicants in Criminal Application No. 2121 of 2016 be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or more sureties in the like amount and the applicants therein shall report to the concerned police station on every

alternative Sunday commencing from 23/10/2016 between 10 a.m. to 12 noon till framing of charge.

(iii) As far as the rest of the applicants in Criminal Application no. 2100/16, 1968/16 and 2094/16, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/-each and one or more sureties in the like amount. The applicants shall report to the police station on first Sunday of each month for a period of 3 months.

11 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)