

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1980 OF 2016

Sanjay Uddhav Londhe	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Advocate for the applicant.

Ms. Veera Shinde, APP, for the State.

Mr. Sanjay Jagtap, PI, Sadar Bazar Police Station, Solapur.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 17th November, 2016.

P.C.

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 offences punishable under Section 370(2),(3) of the Indian Penal Code and under Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956.

2. It is the case of the prosecution that the applicant was working as Manager of Maharaja Hotel situated at Railway Lines, Solapur. On 31.8.2016 at about 8 p.m. the members of an NGO i.e. Sarvajanic Ekta Vikas Agaman had raided the premises of the said hotel and it was revealed that they were licensee and the staff of the said hotel were indulging into the offences punishable under the Immoral Traffic (Prevention) Act, 1956.

3. Perused the statements of the 11 ladies who were found in the said

hotel. They had specifically stated that they had voluntarily visited the said hotel and were into the profession of prostitution. In any case, it cannot be said that unless the licensee, the Manager and the staff had permitted them into such activities, the women could have used the said premises for facilitating prostitution. However, all the accused are enlarged on pre-arrest bail and some are granted bail under Section 439 of Cr.P.C. Hence, by virtue of the doctrine of parity, the applicant also deserves to be granted pre-arrest bail.

4. It is made clear that the observations made hereinabove are prima facie in nature restricted to an application under Section 438 of Cr.P.C. and shall not be considered 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 more solvent sureties in the like amount.

(iii) The applicant shall report to the Sadar Bazar Police Station, Solapur as and when called.

Application is allowed and disposed of in the above terms.

(SMT. SADHANA S.JADHAV, J.)