

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2138 OF 2016

Ashwin @ Vivek Rajendra Jagtap

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Satyavrat Joshi Advocate for the Applicant.

Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 19th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 96 of 2016 registered at Koregaon Park, Police Station, Pune for offence punishable under sections 3, 4 and 5 of Immoral Traffic (Prevention) Act and Sections 468, 471, 420 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that on 29/09/2016, Sheetal Bhalekar working as API of Social Service Branch lodged a report at the police station. On a secret information, police had raided the premises of Hotel Bela Air lane no. 6, Koregaon Park. They had specific information that Ashwin @

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Vivek Jagtap was indulging into immoral trafficking with the help of his associates namely Kunal, Amit Chhatri and Rohit. When they raided the premises in accordance with law, they had in fact found that there were customers and there were women indulging into prostitution. Panchanamas were recorded. The General Manager and the Hotel Front Manager, Teddy Fernandes and James respectively had informed the police that Shabnam Begam had occupied room no. 502. They had permitted a visitor to meet her and in fact, he was her customer.

3) The learned counsel for the applicant, upon instructions submits that applicant is highly qualified and that he is an Event Manager. He is the proprietor of the firm Treasure Box Events and Media Private Limited which are registered under the Companies Act on 04/06/2015. The learned counsel for the applicant submits that applicant has been falsely implicated in the present case. The learned counsel has placed implicit reliance on the order passed by the Judicial Magistrate First Class, Pune in R.C.C. No. 4234 of 2015 wherein the applicant was discharged in C.R. No. 3107 of 2014 registered at Koregaon Park Police Station under section 4 & 5 of the PITA Act.

4) Perused the order. In the said case, the victim girl had visited Poona at the instance of accused no. 1 who happens to be the cook of the present applicant. The learned Magistrate had taken into consideration the fact that the cook of the applicant was involved in the said offence and that only because he is working with the present applicant, he could not have been arraigned as accused. The learned Magistrate had considered that witnesses had not named the present applicant and therefore, he was discharged.

5) In the present case, Front Manager James Antony has specifically named the present applicant that he used to visit hotel quite often. The General Manager also has named the present applicant. Witnesses have stated that they used to be picked up by Kunal who had informed them that applicant would give them customers. Statements of witnesses and material collected in the course of investigation would indicate that the applicant is mastermind of the said group which is involved in immoral trafficking. It appears from papers of investigation that under the garb of event management, applicant is indulging into immoral trafficking.

6) It is in these circumstances that the applicant does not deserve to be granted discretionary relief under section 438 of the Code of Criminal

Procedure, 1973. However, it is made clear that the observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration while deciding an application under section 437 or 439 of the Code of Criminal Procedure, 1973.

7) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)