

Anand

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

ANTICIPATORY BAIL APPLICATION NO.615 OF 2017

Shivaji Dagadu Gawade

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Rupesh Zade, Advocate, for the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned A.P.P. for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No. 209 of 2017 registered with the Baramati City Police Station, for the alleged offences punishable under Sections 3, 4, 5, 6, 7 of Immoral Traffic (Prevention) Act, 1956.

3. Learned counsel for the Applicant states that the Applicant is the owner of the hotel by the name 'Sargam' at Baramati. He submits that although the Applicant is the owner of

the said hotel, he had no knowledge of the illegal activities going on in the premises. He submitted that the Applicant had appointed Sachin Ingle and that the room was let out by the said person.

4. Learned APP states that the Manager of the hotel, in his statement has disclosed that no entries were made in the Register, when the accused went to the room. There is nothing in the said statement to show that the Applicant had given any direction not to register or make entries in the hotel register.

5. Perused the papers. It appears that a raid was conducted on 23rd March, 2017 on Sargam Hotel, Baramati by sending a decoy customer, pursuant to which, three victim girls were rescued. Accordingly, a complaint was lodged by API Chandrashekhar Yadav of Baramati City Police Station. According to the complaint, they received an information that certain prostitution activities were going on in different hotels. Pursuant to which, the raid was conducted. In the raid that was conducted, PI Jadhav had sent a decoy customer to the said hotel and had told him to demand for a prostitute. Accordingly, the trap was led and Sandeep Zarad, Sagar Golande, Rahul Pawar

and two girls were found in the hotel. Admittedly, the Applicant is the owner of the said hotel. Admittedly, the Applicant was not present at the time when the raid was conducted. Prima facie, at this stage, there is nothing to show that the Applicant had knowledge that his premises was being used for prostitution activities. It is also not the case of the prosecution that the hotel was being regularly used for prostitution activities.

6. Accordingly, the Application is allowed. The Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

- (i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station as & when called till the filing of the charge-sheet;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)