

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 718 OF 2017

Gurupratap Sing Bakshising Saini .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Ms.Priya A. Patil i/b. Mr.R.D. Suryawanshi, Advocate for the Applicant.

Mrs.J.S. Lohokare, APP for the Respondent – State.

Mr.Bhalerao, Manpada Police Station, Dombivli, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-5 of 2017, registered with Manpada Police Station, Dombivli, District-Thane for the offences punishable under Sections 3, 4 and 5 of the PITA Act.

2 It is the prosecution case that the police had raided the premises which is a lodge. The said premises is owned by the applicant. It was handed over to the co-accused Santosh by executing Leave and Licence agreement. While police raided the premises, five girls were found at the said premises who were indulging into prostitution.

3 Learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime.

4 The applicant had handed over premises to the co-accused on leave and licence basis. He was not present at the place on incident. There is no evidence to connect the applicant with the said crime.

5 Learned APP opposed the application. It is submitted that the leave and licence agreement was executed on 11th January, 2017. Learned APP further submitted that at the earlier point of time also similar offence had occurred in the said premises. She further submitted that the applicant should have been cautious and diligent while allowing the premises to the persons who are indulging into such activities. She submitted that on account of the fact that at the earlier point of time also similar incident had occurred in the premises, it can be presumed that the applicant had a knowledge that the co-accused has been indulging into the alleged activities.

6 I have perused the FIR and the order passed by the Sessions Court. Learned APP submitted that admittedly the

applicant was not found at the scene of offence. The premises were let out to the co-accused who was arrested and he is released on bail. The statements of the girls were recorded who have not referred to the applicant's presence at the scene of offence. Taking into consideration the aforesaid circumstances, the custodial interrogation of the applicant is not necessary.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.718 of 2017 is allowed;
- (ii) Interim order dated 24th April, 2017, is hereby confirmed;
- (iii) The applicant is directed to report Manpada Police Station, Dombivli, District-Thane, as and when called for by the investigating authority;
- (iv) Anticipatory Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)