

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1397 OF 2017

Narayan alias Nagesh Maruti Kadam ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ganesh Bhujbal, for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State/Respondent.

CORAM: T.V. NALAWADE, J

DATED: 18th August 2017

PC:-

1. The Application is filed for relief of anticipatory bail in Crime No.218 of 2017 registered in Kharghar Police Station, Navi Mumbai, for the offences punishable under Section 3, 4 and 5 of The Immoral Traffic (Prevention) Act, 1956. Both sides are heard. The papers of investigation were made available to this Court for perusal.

2. The papers of investigation show that on 9th June 2017 when the raid was affected by police by using dummy customers, the raid became successful and along with customers some women involved in sex racket were found. The material collected shows that Kumar Vasantrao Gole was managing the Galaxy Spa. Name of the present applicant transpired as present Applicant, had obtained the

premises from the owner on rent basis. The statements are showing that Gole and the present Applicant were doing the business as joint venture. However, there is a provision under Section 2 of the Act to raise presumption against persons like present Applicant. In view of such circumstances and considering the object behind the provisions of the Act, this Court holds that the discretion cannot be used for such person.

3. The Anticipatory Bail Application stands rejected. Ad-interim relief, if any, granted in favour of the Applicant stands vacated.

(T. V. NALAWADE, J.)