

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1495 OF 2016

1 Chandrakumar Jathashankar Tiwari.
2 Kishor Anand Amin. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Vishal M. Deshmukh, advocate for Applicants.

Mr. M.G. Patil, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 7, 2017**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicants herein are apprehending their arrest
in Crime No. 344 of 2016 registered at Andheri Police Station on
18/6/2016 for offence punishable under section 294, 114 read with

Section 34 of the Indian Penal Code and under Section 3, 8(1), (2) and 8(4) of Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working therein) Act, 2016.

3 It is the case of the prosecution that on 18/6/2016 police had raided premises of Hotel J.K. Regency of Renuka Bar and Restaurant at Parsi Panchayat Road, Andheri (East). At the time of raid, it was seen that some ladies were dancing on obscene songs and also misbehaved with the customers. The police had called panchas and had conducted raid in accordance with law. The laptop was seized and all other incriminating materials were seized. That some of customers were showering money on lady dancers and hence there is prosecution under section 3, 8(1), (2) and 8(4) of Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working therein) Act, 2016.

Accordingly, on 18/6/2016 police had lodged FIR against the conductor of the said hotel and others.

4 The learned Counsel for the applicants submits that on the face of the record, the applicants were working as waiter and manager of the said hotel. It is alleged that they had collected the amount, which was showered upon ladies who were dancing. It is submitted that they are the employees and it cannot be said that they were working on behalf of the owner and conductor of the said hotel. Section 294 of the Indian Penal Code is a bailable offence. The applicants herein were granted interim relief vide order dated 26/8/2016. It is not the case of the prosecution that the applicants have committed breach of the conditions imposed upon them. Hence, the order dated 26/8/2016 deserves to be confirmed.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application

under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

6 Hence the following order is passed.

ORDER

(I) The application is allowed.

(ii) In the event of arrest in Crime No. 344 of 2016 registered at Andheri Police Station, Mumbai, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two local sureties in the like amount.

(iii) The applicants shall not leave Mumbai till conclusion of the trial.

(iv) The applicants shall attend police station on 13/2/2017, 14/2/2017 and 15/2/2017 between 10.30 a.m. to 1 p.m. and cooperate with the investigating agency to the best of their capacity.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)