

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1854 OF 2016

Prashant Shambhu Shetty	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ashish Shukla, Advocate for the applicant.
Mr. Prashant Jadhav, APP for the State.
Mr. S.P. Shinde, Police Nayak, Buckle No. 896 present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th January, 2017.**

P.C.:

This Application for pre-arrest bail is filed by the applicant/accused, as he is apprehending arrest in C.R. No. 412 of 2016 registered with Dehu Road Police Station, Pune under sections 3, 4 and 5 of Prevention of Immoral Trafficking Act. The offence is registered at the instance of A.S.I., Local Crime Branch on 5th September, 2016.

2. The applicant is the owner of one Sai Lodge and co-accused were working as Managers and in employment of the applicant-accused. It is the case of the prosecution that the police received information that the applicant-accused along with co-accused is running a brothel in Sai Lodge and, therefore, the police raided the premises on 5th September, 2016 by sending a bogus customer. During the raid, 14 victims were found and therefore, the offence was registered against the applicant-accused and

co-accused.

3. The learned counsel for the applicant-accused has submitted that he is the owner of Sai Lodge and was not running brothel. He was not having idea who actually was carrying the business of prostitution in the said hotel. The learned counsel submitted that none of the victims was minor and none of them were forced to prostitution.

4. Learned APP opposed the Application. He submitted that the applicant/accused, being the owner of Sai Lodge, had knowledge of the prostitution. He submitted that other two accused were arrested and thereafter they were bailed out. The police wants to arrest the applicant-accused to find out how many victims were involved in this immoral trafficking.

5. Perused the FIR and the police papers. It appears that out of 14 victims who were found on the spot, none of them were minor. The statements of girls also do not reveal that they were forced or compelled for prostitution. From the statements of the girls it is difficult to accept that the applicant-accused was not aware of running of brothel at his lodge. On query made by this Court as to whether the police have taken action under section 18 of Prevention of Immoral Trafficking Act or not, I am informed that Investigating officer is absent and no action under section 18

of Prevention of Immoral Trafficking Act was taken by the police, which is necessary. The applicant-accused was granted interim pre-arrest bail by this Court on 25th October, 2016. Hence, I confirm the interim pre-arrest bail granted to the applicant-accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused be released on bail on furnishing P.R. Bond in a sum of Rs.1,00,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not indulge into any criminal activity, while on bail;
- (iv) The applicant shall cooperate the Investigating officer and shall attend the concerned police station on every Thursday for one month between 6 p.m. to 8 p.m.
- (v) The applicant shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
- (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. The Application for anticipatory bail stands disposed of on above terms.

7. Copy of this order be sent to Superintendent of Police, Pune Rural for taking necessary action.

(MRIDULA BHATKAR, J.)