

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

ANTICIPATORY BAIL APPLICATION NO. 1847 OF 2017

Laxman Gorakhnath Awad

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. V.V. Purwant for the Applicant.

Mr. Vinod Chate APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 22nd NOVEMBER, 2017

P.C.:

. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 547 of 2017 dated 06.10.2017 registered with Vijapur Naka Police Station, District Solapur under Sections 3,4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and under Section 370 (2)(3) of the Indian Penal Code.

2 Heard the learned Counsel for the Applicant, the learned APP and also perused the record of investigation.

3 The first information report is lodged by Smt. Madhura Bhaskar, a Woman Police Sub-Inspector attached to the office of Commissioner of Police, Solapur City. It is stated that the higher Authorities from the Police Commissionerate, Solapur received confidential information that at hotel Sawan and Swapna lodge, Banshankari Chauk, Solapur the illegal activities of prostitution were being

carried out and certain women were forced to indulge into said activities. Accordingly, after completing the necessary legal formalities, police conducted raid on 06.10.2017 at about 9.00 p.m. at the said Swapna lodge. Mr. Ramesh Bodgewar, the manager was present at the counter. After conducting search of the said lodge, two women were found with suspicious movements and therefore, the police interrogated the said ladies who informed the police that the other person present there namely Hitesh Oswal was their agent who used to bring them at the said lodge and collect Rs.2,000/- to Rs.2,500/- per customer. During the course of inquiry at the said place, the name of Applicant is revealed as the owner of the said lodge along with other accused persons. In the premise, the first information report is lodged.

4 Learned Counsel for the Applicant submitted that, the Applicant is owner of hotel Sawan and the licence of the Swapna lodge stands in the name of his son who has already been arrested by the police. He further submitted that by forging his signature, co-accused Sitaram Mahankal has allegedly executed an Agreement of conducting the business at Swapna lodge. He further submitted that the son of Applicant has already been arrested, the police have already seized necessary documents and therefore, custodial interrogation of the Applicant is not necessary. He therefore prayed that, the Applicant may be granted pre-arrest bail.

5 The record clearly reveals that co-accused namely Sitaram Mahankal has

paid substantial amount towards rent of the said premises i.e. Swapna Lodge to the Applicant and Applicant has issued receipts in that behalf. The record further indicates that Swapna lodge and Hotel Sawan are situated in one and same composite building of which the Applicant is owner. It further appears that just to camouflage his misdeeds and to show legitimate trail of money, the alleged receipts have been executed between the parties. It is categorically submitted by the Investigating Agency that the Applicant being owner of the said entire premises permitted the co-accused to conduct the illegal activities of prostitution and the Applicant is living on the earnings derived from the said vocation of prostitution.

After taking into consideration the record of investigation, serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail.

6 Application is accordingly, rejected.

(A.S.GADKARI, J.)