

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 1913 OF 2016

Babuddin Sumbhar Khan .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....
Mr.S.R. Mithare, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent – State.

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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.314 of 2016, registered with Goregaon Police Station, Mumbai for the offence punishable under Section 370(3) of IPC read with Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act). It is the prosecution case that the applicant is the owner of the business premises namely Golden Beauty Spa. Police raided the said premises on the date of incident and four girls were found at the said place. They were indulging into prostitution. The co-accused Saddam Khan was arrested and subsequently released on bail. The learned advocate for the applicant submits that he is not concerned with the said

premises. He is not the owner of the said Spa. He is close friend of Saddam Khan and, was therefore, associated with him. He did not participate in the alleged offence.

2 Learned APP submitted that there is evidence against the applicant to show that he was conducting the Spa and was involved in the crime. The statements of the girls found at the premises were recorded who had stated that the applicant used to visit the said premises and was involved in the said crime. It is further submitted that the applicant has played a major role in commission of crime and, therefore, the application should not be allowed.

3 I have perused the FIR. Heard the submissions of advocate for the applicant and the learned APP. During the course of investigation, the complicity of the applicant is established in the said crime. The statement of witnesses recorded by the police involves the applicant. Hence, this is not fit case to exercise the powers under Section 438 of Cr.P.C.

4 Hence, I Pass the following order:

:: ORDER ::

- (i) Criminal Anticipatory Bail Application No.1913 of 2016 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)