

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2017***

|                                   |               |
|-----------------------------------|---------------|
| Dattatraya Bhalchandra Phulsunder | ...Applicant  |
| Versus                            |               |
| The State of Maharashtra          | ...Respondent |

Mr. Aniket Nikam i/b. Mr. Aashish Satpute, for the applicant.  
Ms. Veera Shinde, APP, for the State.  
Mr. S.V. Kharat, H.C. Narayangaon Police Station, present.

***CORAM : SMT. SADHANA S. JADHAV, J.  
DATE : 21st December, 2017.***

**P.C. :**

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No. 321 of 2017 registered at Narayangaon Police Station, Dist. Pune.
2. C.R. No. 321 of 2017 is registered against the applicant at Narayangaon Police Station for the offences punishable under Sections 3, 4, 5, 6, 7 of PITA Act and Sections 370(3)(A), 371, 341, 366A of the Indian Penal Code.
3. It is the case of the prosecution that on the basis of secret information, the police had raided the premises of Viraj International

Lodge. It was revealed that illegal activities were undertaken in the said land. That two minor girls were found in the said raid besides three other women.

4. The applicant in fact was not running the said hotel and had given the same on leave and license to Mahesh Gauda and Vijay Gauda who are in custody. The leave and license agreement was executed on 7.7.2017 and was for a period of 47 months. It is in these circumstances that the applicant cannot be said to be having knowledge about the said illegal activities.

5. The applicant herein was granted interim relief vide order dated 22.11.2017. It appears that the applicant has co-operated with the investigating agency. Hence, the order dated 22.11.2017 deserves to be confirmed.

6. The above observations are restricted to an application under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

### **ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest of the Applicant in C.R. No.321 of 2017

dated 23.10.2017 registered with Narayangaon Police Station, District Pune, the applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(iii) The applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

The Application stands disposed of.

***(SMT. SADHANA S.JADHAV, J.)***