

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1524 OF 2018

Babaso Vishnu Patil	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. Umesh Hanmantrao Pawar for applicant
Mr. Vinod Chate, APP for State
Mr. S.V.Shete, P.C. Islampur Police Station present.

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] This is an application under section 438 of Cr.P.C. The applicant herein is apprehending his arrest in C.R.No.294 of 2018 registered with Islampur police station Dist. Sangli on 6th July 2018 for offences punishable under section 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. It is the case of the prosecution that the applicant happens to be the owner of Samrat Executive Lodge situated at village Peth, Taluka Islampur. That on 6th July 2018, the police had, on the basis of secret information, raided the said Samrat Lodge.

2] There was one victim who was about 22 years of age. That, persons who were running the lodge were indulging into immoral trafficking. The statement of the victim was recorded. She has not specified any role as against the present applicant, as the applicant was residing at Islampur. The principal accused are the original residents of Udipi in State of Karnataka. Learned Counsel for the applicant submits that there was lease deed between the applicant and Vishwanath Gowda and Jagdish Shetty commencing from 19th September 2016 for five years and he had no knowledge about the illegal activities of original accused persons.

3] Clause 4(b) of the said agreement specifically contemplates that the lease/ licence holder shall not indulge into any illegal or immoral activities in the said lodge and in the eventuality that there is any police complaint, the applicant in the capacity of the owner of the property shall not be held to be responsible for the same.

4] In view of the aforementioned facts, the applicant deserves pre-arrest protection. By way of interim relief, therefore,

the following order is passed:-

(I) In the event of his arrest, the applicant shall be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.30,000/- with one or more sureties in the like amount.

(ii) The applicant shall report to the concerned police station on 11th and 12th August 2018 between 10.30 a.m. and 1.00 p.m. and cooperate with the investigating agency.

(iii) The applicant shall not tamper with the evidence;

(iv) Application is allowed in the aforesaid terms.

(SMT. SADHANA JADHAV, J.)