

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 59 OF 2018***

Yuvraj Tukarama Bhadale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Niranjan Mundargi i/b. Mr. Satyam H. Nimbalkar, for the applicant.

Ms.Veera Shinde, APP, for the State.

Mr. J.D.Bhosale, Havildar, Loni Kalbhor Police Station, Pune (Gramin)
present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 12th January, 2018.

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.849 of 2017 registered at Loni Klbhor Police Station for the offences punishable under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act.
2. It is the case of the prosecution that on 29.11.2017, on the basis of a secret information, there was a raid at Hotel Sai Buddu at Village Loni Kalbhor. That Manager of the said hotel has been arrested. Two girls aged 26 and 24 have been apprehended. Their statements are recorded on the

same day. One of the victim Ms. 'X' has disclosed to the police that she was working in a godown. There she had met another girl Ms. 'X-1'. She was earning Rs.7,000/-. However, she could not send sufficient money to her village in Assam and, therefore, she had voluntarily decided to enter into prostitution. She had come in contact with Shiv Anna. He assured her to call her as and when required. On 29.11.2017, she had been to Hotel Sai Buddhu at the request of Shiv Anna.

3. The present applicant happens to be the owner of Hotel Sai Buddhu and he has entered into an agreement on 17.12.2016 with Shivkumar Poojari/Shiv Anna and the hotel is given on leave and license basis for a period of 60 months.

4. The learned counsel for the applicant submits that the applicant had no knowledge as to the manner in which Shivkumar was managing the hotel as he did not interfere with the hotel business once it was given on leave and license basis.

5. Taking into consideration the facts of the case and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves pre-arrest bail.

6 However, it is made clear that the above observations are

restricted to an application under Section 438 of Cr.PC. 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, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on 17th, 18th and 19th January, 2018 between 10.30 a.m. to 12 noon and co-operate with the investigating agency to the best of his capacity.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)