

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

CRI. (ANTICIPATORY BAIL) APPLICATION NO.340 OF 2018

Manjunath Venkatesh Shetty & Anr.

..Applicants

Vs

State of Maharashtra

.. Respondent

...

Mr. K. S. Lobana for the Applicants.

Ms. A. A. Takalkar, APP for the Respondent.

Ms. Kalyani Patil, PSI AHTC, Crime Branch, Thane City.

CORAM : A. S. GADKARI, J.

DATE : 23 FEBRUARY 2018.

PC. :

1. This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail, in CR. No. I-715/2017 registered with Manpada Police Station, District Thane, under Section 370 (2) (3) of Indian Penal Code read with 3, 4 and 5 of PITA, Act (Prevention of Immoral Trafficking Act).

2. The 1st information report is lodged by Shri Sunil Baburao Chavan, Police Sub Inspector, attached to Anti-Human Trafficking Cell, Crime Branch, Thane City. It is the prosecution case that on receipt of specific information by the Senior Police Inspector, attached to the said cell that, a racket of prostitution is being carried out at Saisharadha Lodging and Boarding, Katai Octroi Post, Kalyan, District Thane, a trap

was laid by sending a bogus customer. After receipt of specific signal from the said customer, raid was conducted at the said lodge and the manger of the said lodge namely Sukesh Shetty was found at the counter alongwith victim ladies at the scene of offence. During the course of preliminary investigation at the scene of offence it is revealed that the applicants are the persons who are running the said lodge and they had appointed the said Sukesh Shetty as their manager to look after the said business.

3. The learned counsel appearing for the applicant submitted that the applicant No. 1 is only waiter who was working at the said establishment and has nothing to do with the business carried out at the said place. He further submitted that the applicant No. 2 has taken the said premises on leave and license basis for conducting hotel and he has further given it for conducting a hotel to accused Sukesh Shetty. He submitted that the applicant No. 2 also has no direct connection with the alleged offence committed by Sukesh Shetty. He submitted that the applicants were not present at the scene of offence and therefore their custodial interrogation for investigation is not necessary. He therefore prayed that the applicant may be granted pre-arrest bail.

4. The first information report is eloquent about the role played by the applicants in the present crime. It is the categorical case

of the prosecution that the applicants in partnership are running the said Saisharadha Lodging and Boarding and they were instrumental in conducting the racket of prostitution at the said place. It further appears from the record that the applicants are earning their livelihood from the said vocation of prostitution.

After considering the serious allegations against the applicants and the gravity of the offence, this Court is of the view that the applicants do not deserve to be protected by pre-arrest bail.

5. Application is accordingly rejected.

(A. S. GADKARI, J.)