

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.863 OF 2018**

M. Jairam Venkappa Bengera @ ShettyApplicant.
Vs.
The State of MaharashtraRespondent.

Mr.Sachin Deokar I/b. V.V.Purwant for the Applicant.
Mr.S.S.Hulke, APP for the Respondent-State.
PSI Kalyani Patil Kasarvadavali Police Station present.

CORAM : A. S. GADKARI, J.

DATE : 7th JUNE, 2018.

P.C.:-

- 1) By an order dated 25.04.2018 the applicant was granted interim relief on the basis of the submissions made by the learned counsel for the applicant.
- 2) Heard learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.
- 3) The applicant is the Manager of Hotel “Shubham Lodging and Boarding” situated at Swastik Gloria Building, Ist floor, Ovla Naka, Ghodbunder Road, Thane (West). It is the case of the prosecution that on 25.01.2018, after receipt of confidential information by police that illegal activities i.e. vocation of prostitution

was being carried out at the said Lodge, police conducted a raid. Manager by name Mahesh Yadhav was arrested on the spot. Some ladies were found at the scene of the offence, who were indulging in the vocation of prostitution. During the course of investigation, it is revealed that the applicant had taken the said premises for conducting the business on the basis of Management Agreement from Mr.Vishnu Ramane, who is the Leave and License holder of the said premises from its original landlord.

4) The record of investigation indicates that the applicant is earning his livelihood from and out of the income generated from the vocation of prostitution and therefore, the provisions of Prevention of Immoral Trafficking Act (PITA Act) are squarely applicable to the present crime. The investigation of the present crime is at crucial stage and unless and until the applicant is custodially interrogated, the entire racket and/or syndicate behind and the persons involved in the present crime cannot be unearthed.

5) After perusing the record and taking into consideration the serious allegations against the applicant and gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

- 6) Application is accordingly rejected.

(A.S. GADKARI, J.)