

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

ANTICIPATORY BAIL APPLICATION No. 1073 OF 2018

Dagdu Sudam Khandve

....Applicant

Vs.

State of Maharashtra

....Respondent

Mr. Satyavrat Joshi for Applicant

Mr. Rajan Salvi -APP

Mr. Pratap Kolte, API, Vimantal Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 5, 2018

P.C.

1. Heard. This is an application under Section 438 of the Criminal Procedure Code. The Applicant herein is apprehending his arrest in Crime No. 149 of 2018 registered at Vimantal Police Station, Pune for the offences punishable under section 370, 370A of the Indian Penal Code and under section 3,4,5 of Immoral Traffic (Prevention) Act.

2. It is the case of the prosecution that the premises of Torna Lodge, Porwal Road, Lohgaon, Pune was raided on 11th May, 2018 as there was a secret information that the said premises is being used for prostitution. The police had verified the said fact by sending a decoy witness and it was found that the

people running the said hotel are indulging into illegal business of prostitution and, therefore, they are prosecuted under the provisions of the Immoral Traffic (Prevention) Act. The Applicant happens to be the owner of the said premises. By a registered leave and license agreement dated 19th March, 2018, the Applicant had leased the said premise in favour of Deependra s/o. Govind Prasad for 24 months. The lease deed specifically contemplates that the lessee shall not use the said premises for any illegal activities and that the owner would not be responsible for the same.

3. The Learned APP submits that the passbook of the present Applicant was found in the course of raid and, therefore, it appears that the Applicant was the partner in the said business.

4. The learned counsel for the Applicant submits that at this stage it can be said without admitting that the Applicant can be prosecuted under section 3 of the PITA Act, which is a bailable offence since the Applicant was not aware of the business conducted by the lessee.

5. The learned APP fairly submits that the victims have not named the present Applicant. In view of this, the Applicant has made out a case of pre-arrest. These observations are prima facie in nature and only restricted to present application filed under section 438 of Cr.P.C. and shall not be taken into

consideration for the purpose of quashing of FIR / discharge application and/or at the time of trial. Hence, the following order:

ORDER

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicant in Crime No. 149 of 2018 registered at Vimantal Police Station, Pune, he be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- and one or more sureties in the like amount.
- (iii) The Applicant shall not visit Lohgaon i.e. jurisdiction of Vimantal Police Station till filing of the charge-sheet.

[SMT. SADHANA S. JADHAV, J.]