IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1087 OF 2018

Chanda Dinesh Lama ….Applicant
Vs.
The State of Maharashtra ….Respondent

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Mr. Rajesh Arvind More for Applicant
Mr. S.H. Yadav, APP
Mr. R.B. Chavan, PI, Faraskhana Police Station, Pune
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CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JUNE 7, 2018

P.C.

1. Heard. This is an application filed under Section 438 of the Criminal Procedure Code. The Applicant is apprehending her arrest in Crime No. 182 of 2015 registered at Faraskhana Police Station, Pune for the offences punishable under Section 323, 344, 363, 366, 504 r/w. 34 of the Indian Penal Code and under section 3,4,5,6 and 7 of the Prevention of Immoral Traffic Act.

2. It is true that the application under section 438 is filing after filing of the charge-sheet.

3. It is the case of the prosecution that the police had received a secret

information that a brothel was being run in New Building, 1st Floor, 994, Budhwar Peth, Pune. They had also learnt that minor girls were detained in the room of the said building for the purpose of prosecution. The said premises were raided. On 31st August, 2015, it has transpired that the present Applicant, who is the owner of the said premises, had rented the same to one Anita Suresh Lama. In fact, the Applicant is not residing at the given address and she had no knowledge about the business carried out by Anita Lama. At the time of raid, an electricity bill was found in the name of the owner i.e. Chanda Lama – present Applicant and, hence, the Applicant has been arraigned as an accused.

4. The learned counsel for the Applicant submits that once the premises were rented, the Applicant had no knowledge about the business activities of the tenant and hence, she deserves pre-arrest bail.

5. Taking into consideration the facts of the case, it is apparent that the custodial interrogation of the Applicant would not be justified. 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. 182 of 2015 registered at Faraskhana Police Station, Pune , she be enlarged on bail on her furnishing P.R. Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.

(iii) The Applicant shall report to the Faraskhan Police Station, Pune on 13th, 15th , 18th and 20th of June, 2018 between 10.30 a.m. and 1.00 p.m. and shall co-operate with the investigating officer.

[SMT. SADHANA S. JADHAV, J.]