

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1260 OF 2018

Jayesh Chotelal Shukla

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. P.M. Patil for the Applicant.

Smt. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 29th JUNE, 2018.

P.C.:-

The Applicant is apprehending arrest in CR No. I-695 of 2015 dated 9th December, 2015 registered with Kashimira Police Station, under Sections 370(3), r/w 34 of the Indian Penal Code and under Sections 3, 4, 5, 6, 7 of the PITA Act and under Section 3(g), 8(3), 16 of the POCSO Act.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 It is the prosecution case in brief that, after receipt of confidential information from a reliable informant that, at Suryaprakash Lodging situated at Kashimira, Mira Road, District

Thane, the activity of illegal prostitution was being conducted, the Police, after complying with the necessary formalities, conducted raid at the said place on 9th December 2015. At that time, the Manager of the said lodge Mr. Shrikant Yadav was present at the scene of offence. At the scene of offence three victim girls were found, out of which, one victim girl was a minor.

4 The statements of said victims and other persons were recorded and during the course of investigation it is revealed that the Applicant is the licensee of the said premises and he had taken the said lodge on leave and license basis for conducting the said business under a Leave and License Agreement from Mr. Ashok Sharma, the original owner of the said premises. The record further indicates that, the Applicant is absconding since the date of lodgment of crime and is not traceable to the police. The police, after completing the investigation submitted the charge sheet as against the other accused persons, showing the Applicant as an absconding accused person.

5 The record of investigation indicates that, the Applicant had taken the said premises on leave and license basis and was facilitating the other accused persons in conducting the vocation of prostitution at the said place. That, the Applicant is earning his

livelihood from the said vocation of prostitution by inducing the victims to indulge into the same. As noted earlier, on the date of the raid, a minor girl was found at the scene of offence and therefore, the police have applied the provisions of POCSO Act to the present crime.

6 After taking into consideration the material available on record, the serious allegations against the Applicant and the gravity of the offence, this Court is of the considered view that the Applicant does not deserve to be protected by pre-arrest bail.

7 Application is accordingly rejected.

(A.S. GADKARI, J.)