

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

**ANTICIPATORY BAIL APPLICATION NO. 1617 OF 2018**

Naveen Shankar Shetty ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Niteen Pradhan a/w Ameeta Kuttikrishnan I/by Shubhada Khot for Applicant.

Mr. R. M. Pethe, APP for Respondent – State.

**CORAM : NITIN W. SAMBRE, J.**

**DATE : NOVEMBER 21, 2018.**

**P. C. :**

. In Crime No. 263 of 2018 for the offence punishable under Section 308 read with Section 34 of the Indian Penal Code read with Section 33(x) and 131 of the Bombay Police Act the Applicant is seeking pre-arrest bail.

2. Mr. Pradhan, the learned Counsel for Applicant strenuously urged that necessary ingredients of Section 308 of the Indian Penal Code are not satisfied. He would try to substantiate his case based on the Leave and License Agreement entered into between the Applicant and co-accused and also an Agreement of conducting business.

3. According to the learned Counsel once it is demonstrated from the aforesaid documents that Applicant was not present on the spot when the alleged offence was detected, Applicant cannot be held responsible for the offence punishable under Section 308 of the Indian Penal Code. He would then try to justify his claim for grant of pre-arrest bail while explaining registration of similar offence against him, he submits that that in view of the ill-health of his wife, she is unable to manage her business. As such, on his own he entered into Leave and License Agreement.

4. According to the learned Counsel for Applicant, custodial interrogation of the Applicant in the aforesaid crime is not warranted, particularly when the other co-accused are already interrogated and released on bail.

5. While resisting the claim, the learned APP would invite attention of this Court to the spot panchanama and submit that in a hidden compartment specially created in the Bar and Restaurant which is owned by the Applicant, in area of having dimension of 7 ft. X 9 ft., 14 girls who were working as Waitresses were dumped in most inhuman way.

According to him, the statement of all these 14 girls speaks voluminous about the fact that Applicant is a person at whose behest they were working in the Bar and Restaurant in question.

6. Considered rival submissions.

7. The Leave and License Agreement as sought to be relied will be of hardly any significance particularly when the offence came to be registered almost four months back and for violation of terms of such Agreement the Applicant has not initiated any proceedings against the co accused in whose favour such agreement is executed. This very conduct of the Applicant speaks voluminous about the fact that the business of Bar and Restaurant is being run at the behest of the present Applicant.

8. The spot panchanama will speaks of dumping of 14 girls in a compartment of 7 ft. x 9 ft. and other conditions, particularly the late hours at which the Bar was being operated *prima facie* speaks of involvement of Applicant in the crime in question. Apart from above, there is already one more offence of similar nature registered against the Applicant in which he was already arrested and released on regular bail.

9. The perusal of the investigation papers reveals the *prima facie* involvement of the Applicant in the crime in question. That being so, in my opinion, no case for grant of pre-arrest bail is made out.

10. As such application fails. Hence Rejected.

11. At this stage upon the prayer made by the learned Counsel for Applicant, interim protection ordered by this Court is continued for a period of four weeks with an understanding that no further extension for whatsoever reason will be granted.

(NITIN W. SAMBRE, J.)