

Anand

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

**ANTICIPATORY BAIL APPLICATION NO. 1634 OF 2017**

Ramdas Kallapa Balagaonkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Sanjeev Kadam i/b. Mr. K. S. Labana, Advocate, for the Applicant  
Mrs. A. A. Takalkar, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17.04.2018**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. I-353 of 2017 registered with the Kolsewadi Police Station, Thane, for the alleged offences punishable under Sections 370(2)(3), 366A, 372, 376, 467, 468, 471 r/w 34 of the Indian Penal Code; under Sections 3, 4 & 5 of the Immoral Traffic (Prevention) Act and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submits that

the Applicant had taken a hotel 'Relax Garden NX' from Nitin Patil on rent for three years and as the Applicant had certain financial problems, and could not carry out the business, he sublet the said hotel in 2015 to one Satyanarayan Pal for a period of 11 months and thereafter, to Harishchandra Shetty in 2017 for 11 months. He submitted that the Applicant was unaware of the activities being carried out by the said Harishchandra Shetty. According to the learned counsel for the Applicant, none of the girls have named the Applicant. He submitted that admittedly, the Applicant was not present when the raid was conducted and the victim girls were rescued. He further submits that the Applicant has no antecedents.

4. Learned APP opposed the Application. She submitted that the Applicant himself was conducting the hotel, pursuant to the Leave & License Agreement entered into between the Applicant and Nitin Patil. Learned APP submitted that as far as the Leave & License Agreement entered into between the Applicant and Harishchandra Shetty, is concerned the genuineness of the said document is doubtful i. e. the stamp paper has not been purchased in the name of either of the parties. She submitted that there is no entry of the said Leave & License Agreement in the Notary's register, though in the Leave & License

Agreement Sr. No. 72 is mentioned by the Notary. Learned APP has produced the original copy of the Notary register. She further submitted that all the victim girls, including the minor girl, have named the Applicant. She further submits that the Applicant has one similar antecedent of the year 2016 i. e. C. R. No. 73 of 2015 registered with the Kolsewadi Police Station.

5. Perused the papers. Although it is contended by the learned counsel for the Applicant that the Applicant had entered into a Leave & License Agreement with one Harishchandra Shetty and had given the said hotel to Harishchandra Shetty to run for 11 months, it prima facie appears that the said document is doubtful. A perusal of the original Notary register shows that there is no corresponding entry at Sr. No. 72 of the said Notarized document i. e. Leave & License Agreement. It also appears that the stamp paper has not been purchased in the name of either of the parties, i. e. the Applicant or Harishchandra Shetty. Hence, investigation is required to be done in connection with the said documents. As far as the statement of the victim girls are concerned, one out of the three victim girls was a minor, aged 17 years. All the victim girls have named the Applicant and other co-accused in their statements. The minor victim girl has stated that when there was a phone call from

the said hotel, she was compelled to go and have forcible physical relations with strangers and for the same, co-accused – Rahul would receive Rs. 1,200/- from the Applicant, conductor of the lodge, Harishchandra, cashier Rahul, Manager Satyanarayan, Shrikant & Vijay. The statement of the minor girl has also been recorded under Section 164 of the Cr.P.C.. Similarly, the other victim girls have also named the Applicant alongwith the other co-accused. Prima facie, there is material as against the Applicant and hence, custodial interrogation of the Applicant is necessary. It appears that the Applicant has one similar antecedent of the year 2016.

6. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the Applicant. Hence, the Application stands rejected. Learned counsel for the Applicant, prays for continuation of the interim relief. Prayer is rejected having regard to the facts of the case.

7. It is made clear that the observations made herein are *prima facie*. If an application for regular bail is filed by the Applicant, the trial Court shall decide the same on its own merits, uninfluenced by the observations made in this order.

**(REVATI MOHITE DERE, J.)**