

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

ANTICIPATORY BAIL APPLICATION NO. 1815 OF 2018

Sandeep K. Shetty	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Aniket Nikam I/by Mr. Aashish Satpute for the applicant.
Mr. S.V. Gavand, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 6th SEPTEMBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 176 of 2018 registered with Kashimira Police Station for the offences punishable under Section 370 read with 34 of Indian Penal Code and under Sections 3,4,5 of PITA Act.
2. The applicant has preferred an application for anticipatory bail before the Sessions Court which has been rejected on 4th July, 2018. The case of the prosecution is that secret information was received by the police about the prostitution activities is being conducted in the lodge. Hence, the police sent a decoy customer and found that four ladies were involved in immoral trafficking. The manager and other persons were found present in the premises.

3. It is submitted that the applicant was not present at the scene of offence. It is submitted that he is the person who conducted the business. The women found in the alleged lodged are major. The offence under Section 370 of IPC is therefore not made out. It is submitted that there are no criminal antecedents against the applicant and his custody is not required for any purpose.

4. Learned APP submitted that on receipt of the information, police had raided the said lodge. The decoy customer was sent to the said lodge and it was noticed that prostitution activities were held in the said lodge and the offence was registered. He also pointed agreement executed between the parties which clearly states that the applicant was conducting the business. Leave and license agreement executed between Shivram Shetty and the applicant refers to applicant as a conductor of the business at the said lodge. It is therefore submitted that the applicant cannot ignore what was going on in the said lodge.

5. On perusal of the first information report and the document tendered by the learned APP, it is apparent that the applicant was conducting the business where the incident had occurred. The prosecution has alleged the commission of offence under Section

370 of Indian Penal Code as well as PITA. The applicant frial ignorance on the ground that he was only conductor of business. He was found present at the place of incident.

6. Taking into consideration the aforesaid circumstances, no case for grant of anticipatory bail is made out. The application stands rejected.

Sachidanand
Kuttan Nair

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(PRAKASH D. NAIK, J.)