

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

BAIL APPLICATION NO.2440 OF 2018

1. Krushna Suresh Pharpat Patil	
2. Ajya Ruplal Ranjane	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. M.A. Choudhari I/b. Mr. Yuvraj J. Bhangе Patil for the Applicants.
Ms Pallavi N. Dabholkar, APP for the Respondent-State.
Mr. S.B. Kharat, Police Head Constable, Narayangaon Police Station,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicants, who have been arrested in C.R. No. 93 of 2018 registered with Narayangaon Police Station, District-Pune, for offences punishable under Sections 342, 366, 370(2), 373 of the Indian Penal Code, 1860 and Sections 3, 4, 5, 6, 7 of the Immoral Traffic (Prevention) Act, 1956.

2. Heard Mr. M.A. Chaudhari, the learned counsel for the Applicants and Mrs. Pallavi N. Dabholkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The FIR lodged by Bhima Londhe states that on 2.4.2018 he had received information that prostitution activities were going on in Hotel Maharaja Yogiraj Lodging and Boarding at village-Kandali. Said hotel was raided and some victims were rescued. The Applicant No.1-Krushna Patil was present in the said hotel. Victims have alleged that said Krushna Patil, is the manager of the said hotel. They have further stated that the Applicant No.1 had sent the victims to another lodge known as Kalash Lodge for the purpose of prostitution and that Ashok Shetty, the manager of the said Kalash lodge, had allowed the said hotel to be used for the purpose of prostitution.

4. The FIR does not prima facie indicate that the Applicant No.2 was present in the hotel at the time of raid. The victims have not attributed any role to this Applicant. There is thus no prima facie material to show his involvement in the aforesaid crime. He is in custody since April, 2018 and is presently in judicial custody. His presence is no longer required for the purpose of investigation. In the light of above facts the Applicant No.2 is entitled for bail.

5. As regards the Applicant No.1, records do not prima facie reveal that this Applicant had detained any of the victims.

Nevertheless the records prima facie reveal that he was the manager of Hotel Yogiraj, which was used for the purpose of prostitution. The records also reveal that this Applicant was living off the earnings from the prostitution. He had also sent some of the victims to Hotel Kalash for the purpose of prostitution. There is prima facie material to show the involvement of this Applicant in committing offence under Sections 3, 4, 5 and 7 of the PITA Act. The maximum punishment for the alleged offence is seven years. The Applicant No.1 is in custody since 3.4.2018. The investigation is already concluded and charge sheet has been filed. Hence presence of this Applicant is not required for the purpose of investigation. Furthermore, the co-accused Ashok Shetty, manager of Kalash Hotel has already been released on bail. The Applicant No.1, who is similarly placed, would therefore be entitled for bail on the ground of parity.

6. Under the circumstances and in view of discussion supra, the application is allowed on following terms and conditions:-

- (i) The Applicants, who are arrested in C.R. No. 93 of 2018 registered with Narayangaon Police Station, District-Pune, shall be released on bail on furnishing bail bonds of Rs.50,000/- each with one or two

solvent sureties in the like amount.

- (ii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iii) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.
- (iv) The Applicants shall not interfere with the victims or witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)