

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

ANTICIPATORY BAIL APPLICATION NO. 2161 OF 2018

Akram Aseer Mohammad	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Vinay Kumar Dubey for applicant.
Mr. R.M. Pethe, APP for the Respondent-State.
Mr. P.S. Salunkhe, PSI Uttan Police Station is present.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 19th OCTOBER, 2018.**

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. I-76 of 2018 registered with Uttan Coastal Police Station for the offence punishable under Section 65(E) of Bombay Prohibition Act, Section 370 of Indian Penal Code and Sections 3,4,5 and 7 of the Immoral Traffic (Prevention) Act, 1956. The First Information Report was registered on 12th August, 2018. The prosecution case is that on 12th August, 2018 there was birthday celebration of one Mukesh Roy. He had invited several persons. Police raided the premises. The accused were also involved in immoral trafficking. Prosecution case is that applicant is a person

who makes calls to the girls for prostitution.

2. Applicant preferred an application before the Sessions Court. Application was rejected. Learned advocate for the applicant submitted that he has no role in the crime. He is working as D.J. sound system player on contract basis. He was available for the purpose of investigation. He is not concerned with any offence under Immoral Traffic Act. Although, he was available police did not arrest him which indicate that he is not involved in crime. Mobile of the applicant has been seized by the police, therefore, the applicant cannot be subjected to police custody.

3. Learned APP submitted that there is sufficient evidence against the applicant showing his involvement in the crime. It is submitted that the name of the applicant is reflected in the First Information Report. He is the person who was in contact with the girls who were indulging in prostitution. He had telephonic calls to the girl. There are calls between the applicant and the victim girls.

4. I have perused the First Information Report. Taking into consideration the material pointed out by the learned APP, there is *prima-facie* involvement of the applicant is found in the said crime. Learned APP submitted that applicant has never attended the

police station and therefore the question of taking his mobile phone in the custody does not arise. In the light of the circumstances as stated above, the investigation is in progress, therefore, anticipatory bail application stands rejected.

(PRAKASH D. NAIK, J.)

Digitally
signed by
Sachidanand
Kuttan Nair
Date:
2018.10.25
11:33:20
+0530