

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

ANTICIPATORY BAIL APPLICATION MO. 2266 OF 2018

Sharad Namdeo Jadhav

...Applicant.

Vs.

State of Maharashtra

...Respondent.

Mr. Satyavrat Joshi for the Applicant.

Smt. Rutuja Ambekar, APP. for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE 26th November, 2018

PC :

1. The applicant is apprehending arrest in CR No. 251/2018 dated 13.10.2018 registered with Haveli Police Station (Rural), District Pune Rural under Sections 3,4 and 5 of the Prevention of Immoral Traffic Act and under Section 370 of the Indian Penal Code.

Heard the learned counsel appearing for the applicant and the learned APP. Perused the record.

2. The first information report is lodged by Rajendra Chandanshive, a Police Head Constable attached to Crime Investigation Department, Pune Rural.

It is the case of the prosecution that, the police officers attached to the said Branch received a specific confidential information that, at a place namely 'Aroha Spa' situated within the jurisdiction Nanded village, the applicant and his Manager namely T. Mavelzuia under the guise of running Spa Massage Centre were in fact running a racket of prostitution and therefore it was decided to conduct a raid therein. After receiving an appropriate signal from the decoy a customer a raid was conducted at the said place. Decoy customer was found along with a woman in the room. The currency notes which were given to the decoy customer by the Investigating agency were found with the said lady. It is the further prosecution case that, the applicant had taken the said premises namely F-64 Destination Center-1, Sinhagad road, Nanded City, District Pune on the basis of a M.O.U. from his wife and was conducting the said alleged spa therein.

3. Mr. Joshi the learned counsel appearing for the applicant submitted that the applicant was not present at the scene of offence and it was Mr. T. Mavelzuia, Manager of the said Spa was present. He further submitted that the applicant in fact is running the said Spa and Massage Centre in the said premises and the decoy customer has paid the said amount of Rs.3000/- to the alleged victim lady towards the said service and not otherwise. He further submitted that the raid was conducted under the leadership of Deputy Superintendent of Police who was on probation he was not competent to conduct the raid. He further submitted that, even otherwise, the custodial interrogation of the applicant is not necessary for investigation of the present crime and therefore, the applicant may be protected by pre-arrest bail.

4. The first information report is self eloquent. The record indicates that, the wife of the applicant had taken the said premises on leave and licence basis from its original owner namely Shri. Ramesh Dange for conducting commercial enterprise therein. The applicant by a subsequent indenture namely Memorandum of Understanding dated 24.7.2018 has taken the said premises for conducting the said Spa namely 'Aroha Spa'. The statement of

victim lady indicates that, the applicant and other accused persons induced them to indulge into the vocation of prostitution. It prima faice appears that, Section 370 of the Indian Penal Code is clearly applicable to the present case. The record of investigation indicates that, the applicant is earning his livelihood on the basis of money earned from the vocation of prostitution. The investigation of the present crime is at nascent stage. The interrogation of the applicant is necessary to unearth the entire truth behind the crime including the fact that whether there are any other persons who were assisting the applicant or whether there are any other victims involved in the crime at the instance of the applicant.

5. After taking into consideration the gravity of the offence, serious allegations against the applicant and the need of thorough investigation, this Court is of the considered view that, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

6. It is needless to mention that, the observations made herein are prima facie in nature and are made in context for deciding the present application. The Trial Court may not get influenced by the observations

made by this Court while deciding the regular application for bail or at the time of trial if police files charge sheet.

(A.S. GADKARI, J.)