

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2538 OF 2018

Chand Mohhamed Habib Miya,
Age 38 years, Occ.Business,
R/o.At 45, Daruwala Building, 1st Floor,
Room NO.9, 14th Lane, Kamathipura,
Mumbai-400 008.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prabhanjay R. Dave for applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th December 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.178 of 2018 registered with Nagpada Police Station for offence u/s 354 of PITA Act. The alleged raid was conducted on 5th October 2018. The case of prosecution is that on the basis of information raid was conducted in the premises and bungalow no.5 Mathura Bhavan and bungalow no.333 Mustafa Building in the presence of panch witnesses. It was found that the applicant was found running prostitution business. It is alleged that the accused and the girls taking the benefit of darkness had ran away from the place.

2. Learned counsel for applicant submitted that the prosecution has been launched merely on the basis of inference. No customer or any woman indulging in prostitution activities was found at the place

of incident to constitute offences invoked by prosecution. There has been no evidence to show that prostitution activities have been conducted. In the present case there is no such evidence and nothing was brought on record to verify the offences registered against the applicant. It is submitted that police had on the contrary taken away all the furniture including refrigerator, LCD TV, fans, air conditioners etc.

3. Learned APP submitted that the accused had managed to disappear from the place of incident after learning that police are attempting to raid the premises. It is submitted that topography of the premises indicate that prostitution activities were being conducted in the premises. However, on perusal of the FIR it is apparent that there was no cogent evidence to substantiate the charge leveled against the applicant. Neither the customer nor the victim girl was found indulging in prostitution in the premises. Learned APP submitted that one case is pending against the applicant under PITA Act.

4. In the circumstances case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2538 of 2018 is allowed and disposed off;

(ii) In the event of arrest of applicant in connection with CR No.178 of 2018 registered with Nagpada Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer of Nagpada Police Station once in a week on every Friday between 11 am to 1 pm for a period of one month.

(PRAKASH D. NAIK, J.)

MST