

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

ANTICIPATORY BAIL APPLICATION NO. 682 OF 2019

Suresh Nivrutti Pawar ... Applicant

Versus

The State of Maharashtra Respondent

Mr. Rupesh A. Zade, Advocate for the Applicant.
Ms A. A. Takalkar, APP for the State/respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 19th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR No.114 of 2019 registered with Baramati City Police Station for the offences punishable under Sections. 3,4,5,6 & 7 of Immoral Traffic (Prevention) Act, 1956.

2. The FIR is registered on 2nd February 2019. It is lodged by ASI Satish Aswar. According to him the police received secret information that certain prostitution activities were going on in Shrinath lodge. The police party made preparation for conducting raid. Panchas were called. One bogus customer was sent to the lodge. He was given currency notes to be used for making payment. Serial numbers of the notes were written down. He was

asked to make a phone call after he reached there and after some part of the offence had taken place. After some time, the bogus customer according to the instructions made a phone call on which the police party came to the spot and saw that said bogus customer was accompanied by the victim. He informed the police that one Nitin Gade had accepted money from him had kept certain amount with himself and had paid the balance money to the girl. As the offence was made out, said Gade was arrested. He informed the police that the present applicant was the owner of the lodge and he alongwith his manager Dattaram Gurav were carrying on this prostitution racket in that lodge. On these allegations the applicant is apprehending arrest and seeking anticipatory bail in this connection.

3. Heard learned Counsel Mr. Zade for the applicant and Ms. Takalkar for the State.

4. The learned counsel for the applicant submitted that the applicant was not found on the spot and there was no connection of the present applicant with the present crime. On the other hand, learned APP submitted that the person who was caught on the spot had immediately disclosed the name of the present applicant.

5. Considering that under PITA, there is a presumption against the owner of the premises and also taking note of the fact that the name of the present applicant was immediately disclosed by the co-accused Nitin Gade,

no case for anticipatory bail is made out. Custodial interrogation of the applicant to find out his involvement in the offences of the similar nature is necessary. Hence, application is dismissed.

(SARANG V. KOTWAL, J.)