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

ANTICIPATORY BAIL APPLICATION NO.1564 OF 2019

Jagdish Bhoja Shetty ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Rajendra Shirodkar a/w Mr.Mihir Ghag, i/b Mr.Archit Sakhalkar, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Sunil Kengar, Malad Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seek pre-arrest bail in connection with C.R. No.275 of 2019 registered with the Malad Police Station, Mumbai, for the alleged offences punishable under Sections 294, 114, 34 of the Indian Penal Code r/w Sections 3, 8(1)(2) and (4) of the Maharashtra Prohibition Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016.

3. According to the prosecution, on receiving secret information that there was obscene and indecent dance going on in Hotel 'Sai-Krupa Bar', the said bar was raided. Some bar girls were found dancing in an obscene and indecent manner on music. It is alleged that currency notes were also being thrown on them by the customers.

4. Although, learned APP states that the applicant's location shows that he was present in the area, *prima facie*, there is no other material to show that the applicant was present at the spot. In the raid which was conducted, the police arrested the Manager, Cashier, two waiters and 7 customers. All the said persons have been released on bail. Learned APP states that the applicant has reported to the concerned Investigating Officer, as directed by this Court vide order dated 23rd July, 2019.

5. Having regard to the peculiar facts of this case, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 23rd July, 2019, is confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
 - (ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called;
 - (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;
 - (iv) The applicant shall co-operate with the Investigating Agency.
6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.