

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

ANTICIPATORY BAIL APPLICATION NO.1982 OF 2019

Ram Dattatray Mane

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Vishal L. Kolekar, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- ASI Mr.D.S. Jadhav, Chakan Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.724/19 registered with Chakan Police Station, Pune, under sections 3, 4, 5, 6, 7 of Immoral Traffic (Prevention) Act, 1956.

2. The FIR is lodged by PC Shivanand Mahadev Swami. He has stated that on 22/04/2019 the police staff received a secret information that prostitution was going in a hotel known

as 'Hotel Kunal Lodging and Boarding' at village Mahalunge. Police arranged to conduct raid. A dummy customer Sandip Sopan Lendghar was given three currency notes of Rs.500/-. Their numbers were noted. Panchas, dummy customer and police officer went to the lodge. The dummy customer went inside and after some time gave a pre-arranged signal. The police party raided the lodge at about 11.55 p.m. Two victims were found in two different rooms. The Panchanama was recorded and the FIR was carried out. The amount was found with one Saurabh Ravindra Sangale. On this basis FIR is lodged.

3. Heard learned Counsel Mr.Vishal L. Kolekar for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. The charge-sheet against the accused Saurabh Sangle contains statements of the members of police party as well as the dummy customer. They have corroborated the story in the FIR. The charge-sheet also contains the statements of two victims.

5. Learned Counsel for the Applicant submitted that the present Applicant has no concern with the offence. In fact he had entered into a rent agreement with one Pandurang Arjun Tate and he had given that lodge to Pandurang Tate to conduct the business. That MOU was executed on 12/04/2019, i.e. a few days prior to the incident. Therefore the Applicant has no concern with the offence. He therefore prays that the Applicant be granted protection of anticipatory bail.

6. Learned APP submitted that MOU was executed only a few days prior to the raid. Therefore it is not a reliable piece of evidence. I have particularly perused the statements of victims. Those victims have neither blamed nor named the present Applicant. At the time of raid, one Sangle was present who was found with the currency notes which were given to him before conducting raid.

7. The learned Counsel for the Applicant has relied on

MOU dated 12/04/2019, wherein it is mentioned that the lodge was given by the present Applicant to one Pandurang Tate. The lodge was under control of that person Pandurang Tate. Said Tate is also shown as one of the accused, though he is not arrested till today. Thus, at this stage, the Applicant has a document to show that he was not in control of the lodge on the date on which the raid was conducted. However, this fact will have to be established during the trial. At this stage, considering this particular document, custodial interrogation of the present Applicant will not serve any purpose in the light of the statements given by the victims. Importantly, the Applicant was not found at the spot. There is nothing to show the Applicant's complicity at this stage. Hence I am inclined to grant protection to the Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.724/19 registered with Chakan Police Station, Pune, the Applicant is directed to be

released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)