

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2395 OF 2019

Vasant Ganesh Karmarkar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rajesh A. More, APP, for State.

Smt.A.A.Takalkar, APP, for State.

PSI Khanvilkar, Vishrambaug Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th November 2019

PC :

1. This is an application for anticipatory bail in CR No.342 of 2019 registered with Vishrambaug Police Station for offences u/s 370 of IPC and Sections 3,4,5 and 7 of PITA Act.

2. The case of prosecution is that premises viz Geeta Lodge situated at Budhwar Peth, Pune was raided by Police. It was found that some ladies were indulging in prostitution activities. Therefore, statements were recorded. It is alleged that the applicant is the owner of premises and had knowledge about the activities being conducted at the lodge. The statements of witnesses refer to the involvement of applicant. The applicant preferred application for anticipatory bail before Sessions Court which was rejected.

3. Learned APP also pointed out that three similar cases were registered against the applicant. Learned advocate for applicant submitted that the applicant is aged about 74 years. In the earlier case registered vide CR No.3418/2003 and CR No.3213/2012

registered with the same police station, the applicant was acquitted. The said fact is not disputed by the prosecution. The third case registered vide CR No.181 of 2018 is pending against applicant. It is submitted that the applicant is willing to co-operate with investigation. Learned APP pointed out statements of witnesses. It is submitted that the applicant is habitual offender.

4. I have perused the FIR and other statements. The victims are major. The applicant is allegedly the owner of the premises. Two cases registered against him have resulted in acquittal. He is senior citizen aged about 74 years. Considering the age and in the factual circumstances, protection under Section 438 of Cr.PC is granted to the applicant on certain conditions. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2395 of 2019 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.342 of 2019 registered with Vishrambaug Police Station, Pune, the applicant may be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend the Investigating Officer on 14, 15 and 16 November 2019 between 10 am and 12 noon and thereafter as and when called for;
- (iv) Without prejudice to the defence of the applicant, the applicant shall refrain himself from indulging in similar offences.

(PRAKASH D. NAIK, J.)