

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2779 OF 2019

Ambadas @ Ravindra Kondiba Rakhpasre	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Satyavrat Joshi i/by Sunil S. Kamble for applicant.
Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 18th December 2019

PC :

1. This is an application for anticipatory bail in CR No.847 of 2019 registered with Lonikand Police Station, District Pune for offences under Sections 3,4 and 5 of Immoral Traffic Prevention Act ('the said Act').
2. The case of prosecution is that on secret information, raid was conducted at Hotel Matheran, Garden Dhaba and Lodging. It was noticed that some victims were indulging in prostitution activities. The applicant was not present at the time of raid, however, his manager was apprehended at the time of raid. He is still in custody.
3. During the course of investigation statements of victims were recorded. They are major. In that statements they have stated that they are indulging in prostitution activities at the aforesaid premises. They have also referred to the name of applicant and the manager. It is also alleged that the victims are indulging into prostitution activities and the applicant and the co-accused are living on the earnings of prostitution.

4. The statements, however, do not indicate that they were forced to indulge in prostitution by the applicant. The provisions of Sections 3,4 and 5 of the said Act are invoked in this case. Sections 3 and 4 are bailable.

5. Learned counsel for applicant submitted that the applicant was connected with the said Hotel since June-2019. The manager of the Hotel has already been arrested on 10th September 2019 and he is in custody.

6. Learned APP submitted that the provisions of PITA Act are attracted in this case. The statements of witnesses would indicate that Section 5 is squarely applicable in this case. It is submitted that the applicant is controlling the prostitution activities.

7. It is noted that there are no criminal antecedents against applicant. The victims are major. It is not alleged that they were forced into prostitution. The statements of witnesses indeed mention that the applicant was actively involved in conducting the business of hotel. However, it is noted that the manager is in custody since last three months. The statements of witnesses are recorded. On stringent conditions anticipatory bail can be granted to the applicant. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2779 of 2019 is allowed and disposed of;

- (ii) In the event of arrest of applicant in connection with CR No.847 of 2019 registered with Lonikand Police Station, District Pune, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not stay within the jurisdiction of Lonikand Police Station, Pune Rural, till conclusion of trial;
- (iv) The applicant shall report the Investigating Officer on 23rd, 24th and 26th December 2019 between 10 am to 12 noon;
- (v) The applicant shall enter the jurisdiction of Lonikand Police Station only for attending the Investigating Officer on above dates.

(PRAKASH D. NAIK, J.)

MST