

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

27 BAIL APPLICATION NO.1376 OF 2020

KISHOR NARHARI TALEKAR  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A. K. Bhosale.  
APP for Respondent-State : Mr. S. P. Deshmukh.

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**CORAM : V. K. JADHAV, J.**  
**DATE : 14.12.2020**

**PER COURT :-**

1. The applicant is seeking regular bail in connection with Crime No.386 of 2020 registered with Shivaji Nagar Police Station, District Latur for the offences punishable under Section 370 of the I.P.C. and Sections 3, 4, 5 and 7 of the Prevention of Immoral Trafficking Act. His application with similar prayer bearing Criminal Bail Application No.462 of 2020 came to be rejected by the learned Additional Sessions Judge, Latur.

2. The learned counsel for the applicant submits that, the applicant is 55 years of age having no concern with the alleged offence. The applicant came to be arrested in connection with

the present crime on 03.11.2020 and since then he is in jail. The learned counsel submits that the secret information, as stated in the complaint was received about the prostitution business in the said hotel named and styled as "Raje Lodge". The learned counsel submits that it is specifically mentioned in the complaint so also in the seizure panchanma that the amount has been paid by the dummy customer to the Manager namely Vyankat @ Yashwant Kerba Kambale. The learned counsel submits that it is pertinent to note that during the course of the police raid, the said Vyankat @ Yashwant alleged to have been fled away from the spot. It has been alleged in the complaint that the applicant was present in the lodge, as a owner. However, the applicant came to be arrested in connection with the present crime on the next day. There are no documents on record indicating that the applicant is the owner of the said lodge. There is no criminal history. The applicant is ready to abide the conditions, if imposed by this Court, while releasing him on bail. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that during raid, the applicant was caught red

handed. *Prima facie*, there is an evidence that in the said lodge, owned by the present applicant, prostitution business was going on. Investigation is in progress. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the investigation papers, though I find the name of the co-accused Manager Vyankat @ Yashwant Kerba Kambale is mentioned in the FIR, however, it has been alleged in the complaint that he fled away from the spot during the course of the police raid. It is also pertinent to note that though this applicant was found in the lodge itself at the time of effecting the raid, however, the applicant came to be arrested on the next day as per the arrest panchnama. Even in the seizure panchnama, there is a reference that an amount of Rs.1,000/- (Rupees One Thousand only) that has been given by the dummy customer to co-accused Vyankat @ Yashwant came to be recovered. It is also pertinent to note that even the statement of the said dummy customer is not recorded. It is not clear as to whom the said dummy customer has paid the amount. It appears that the Investigating Officer belatedly recorded the statement of the girls / women brought there in

the hotel for the purpose of prostitution business. On perusal of their statements, it appears that they have not specifically named the present applicant and all those girls / women are major and according to them, they were doing the said business voluntarily on their own. There is no criminal history. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail with certain conditions. Hence, following order :

### **ORDER**

1. The application is hereby allowed.
2. The applicant KISHOR NARHARI TALEKAR in connection with Crime No.386 of 2020 registered with Shivaji Nagar Police Station, District Latur for the offences punishable under Section 370 of the I.P.C. and Sections 3, 4, 5 and 7 of the Prevention of Immoral Trafficking Act, be released on bail on furnishing P.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount on the following conditions :-
  - a] The applicant shall not tamper with the prosecution evidence in any manner.

- b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 to 11.00 a.m. till filing of the charge-sheet so also the applicant shall make himself available for further investigation into the crime, if any, as and when called by the Investigating Officer.
3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-