

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 16 OF 2020

Shivpratap Laxman Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Umesh R. Mankapure, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 183 of 2019 registered with Bhudargad Police Station, Dist. Kolhapur for offences punishable under Section 370 r/w Section 34 of Indian Penal Code and Sections 3,4,5 and 6 of Immoral Traffic (Prevention) Act 1956 and Section 65 (E) of Maharashtra Prohibition Act.

2. The case of the prosecution is that, the applicant is the owner of Atharvraj Hotel and Sanika Lodge situated at Aadamapur, Taluka Bhudargad. On 8th December 2019, information was received by the Police that prostitution activities are being conducted at the said premises. The police then decided to raid the premises. The police and the punter proceeded to the premises. Some customers and

women indulging in prostitution activities were found at the premises. The First Information Report (for short 'FIR') was registered on 9th December, 2019. The applicant had preferred an application for anticipatory bail before the Sessions Court which was rejected on 16th December, 2019.

3. Learned counsel for the applicant submitted that, the applicant is not involved in the alleged activities. Except the fact that the applicant is the owner of said premises, there is no evidence to show that the applicant is involved in prostitution activities or had knowledge of such activities conducted at the said premises. It is submitted that the victims allegedly found at the premises were major. It is difficult to infer that the victim and customers are indulging in prostitution activity when person who is an adult check into the lodge. The victim or any other persons had not taken name of the applicant as the person who concerned with the alleged activities. The victims indulging in prostitution were brought by the agents which is apparent from the FIR. Learned counsel also relied upon the decision of the Madras High Court delivered in Writ Petition No. 31230 of 2019. It is further submitted that, there are no criminal antecedents against the applicant. He was not present at the time of raid. Custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that the applicant is owner of the said premises. He had knowledge about the prostitution activities conducted in the premises. Manager of the premises was arrested. During the interrogation it was disclosed that the prostitution activities were conducted by the consent of applicant.

5. I have perused the FIR and the investigation papers. Undisputedly, the applicant is owner of the premises. He contends defense that he had no knowledge about alleged activities. The investigation reveals that the applicant was aware about the prostitution activities. The prostitution was being conducted by his consent. The time allowing the prostitution activities was fixed with applicants consent in the premises. The decision of the Madras High Court is not applicable to this case. It relates to the permission granted to unmarried couples to stay in the hotel. Taking into consideration, the evidence collected during the course of investigation, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.16 of 2020 stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)