

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.488 OF 2020

Balaji Satish Manthalkar
versus
The State of Maharashtra

Applicant

Respondent

Mr.Ritesh Thobde with Sagar Tambe for applicant.

Mr.S.H.Yadav, APP, for State.

Mr.D.D.Kate, Police Constable, Vijapur Naka Police Station, Solapur City, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th February 2020

PC :

1. The applicant is apprehending arrest in CR No.568 of 2019 registered with Vijapur Naka Police Station, District Solapur, for offences under Sections 370(2), 370(3) of Indian Penal Code and under Sections 3,4,5 and 6 of Immoral Traffic (Prevention) Act, 1956.

2. The case of prosecution is that on 25th August 2019 information was received that prostitution activities are conducted at Vastuvihar Row House situated in Jagdamb Nagar. The raiding party proceeded to the said place. The raid was conducted. The victims were found indulging in prostitution activities. The FIR was registered. Three persons were arrested and charge sheeted.

3. It is the case of prosecution that the applicant had executed leave and license agreement with Vikram Mahadeo Pawar. The said leave and license agreement was executed from 19th August 2019 to 18th July 2020.

4. Except execution of leave and license agreement there is no incriminating evidence against the applicant. He is not involved in the alleged prostitution activities. He was not found present at the time of raid. The statements of witnesses including the victims do not refer his name in any manner. The statement of the owner of the premises was recorded in which he has stated that the applicant is his brother-in-law and since he is residing at Thane, he authorized the applicant to look after the premises and to let out premises on rent.

5. Learned APP submitted that the applicant did not disclose the owner of the premises as to whom and for what purposes the premises was let out on rent. The applicant and licensee are from same area and therefore the applicant had knowledge that the premises will be used for the alleged activities.

6. From the statement of owner of the premises it is apparent that the applicant had indeed informed him that the premises are let out. Name of the licensee, however, was not disclosed. In absence of any incriminating evidence showing complicity of the applicant in the alleged prostitution activities, the applicant need not be subjected to custodial interrogation. Hence, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.488 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.568 of 2019 registered with Vijapur Naka Police Station, District Solapur, 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 report the Investigating Officer on 9th and 11th March 2020 between 11 am and 1 pm.

(PRAKASH D. NAIK, J.)

MST