

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 145 OF 2020

Mr. Ravi Ramayya ShettyApplicant

v/s.

The State of MaharashtraRespondent

Mr. Milan Desai i/by. Mr. T.R. Patel, Advocate for
the applicant.

Mr. S.R. Agarkar, APP for the State.

PSI, Ravikant Sawant, Kandivali Police
Station present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 4 February, 2020.

P.C. :

1. Applicant seeks pre-arrest bail in Crime No. 407/ 2019 registered with Kandivali Police Station for the offences punishable under Sections 8(1) and 8(2) of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of

Dignity of Women (Working Therein) Act, 2016.

This Court on 20th January, 2020 granted interim protection to the applicant and the State was permitted to call the applicant for further investigation.

2. Learned APP, on instructions, submits that, after granting interim protection, the Investigating Officer had not summoned the applicant for investigation.

3. It appears, when the establishment was raided by the respondents, the applicant who is the owner of it was not present at the establishment.

4. The learned Counsel for the applicant, has also relied on the order passed by the Cordinate Bench in Anticipatory Bail Application No. 1564 of 2019 wherein interim protection was granted to the applicant owner of the Hotel, Sai Krupa Bar who was also not present when the establishment of the Hotel was raided. I have perused the order. In view of the facts of the case

and since the applicant was not present when the premises were raided and additionally though State was granted opportunity to summon the applicant to carry out further investigation and since the same has not been availed of, in my view, the State is not inclined to conduct the investigation by seeking his custody. In view of the peculiar facts of the case, stated hereinabove, the Application is granted.

5. In the event of the arrest of the applicant in Crime No. 407/ 2019 registered with Kandivali Police Station, he shall be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

6. The applicant shall attend the concerned Police Station as and when called.

7. The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from

today.

8. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)