

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 412 OF 2019

Hemavand Behram NamdarianApplicant

v/s.

The State of Maharashtra
(Through Nagpada Police Station)....Respondent

Mr. S.R. Gaud, Advocate for the applicant.

Ms. P.P. Shinde, APP for the State.

PSI, Mr. P.P. Deshmukh, Nagpada Police Station
present.***CORAM : SANDEEP K. SHINDE, J.******Wednesday, 15th January, 2020.*****P.C. :**

1. Heard.
2. The applicant is seeking enlargement on bail in connection with Special L.A.C. No. 39/2019 for the alleged offences punishable under Sections 3, 8 (1), (2) and (4) of The Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016.
3. When the establishment was raided on 3rd

February, 2019, the raiding party found that dancers were performing obscene dance within the meaning of Section 2(8) of the said Act. Besides, they found the customers were showering coins, currency notes on the stage or were handing over their personal belongings to the dancers. Admittedly, when the raid was conducted, the applicant, a licensor was not present at the scene. Besides, the applicant has placed on record that a Conducting Agreement was executed by him in favour of one, Imran Ibrahim Khan and Anil Raju Shetty. Under the said agreement, as it prima-facie appears, the "Conductors", were permitted to manage and control the affairs of the Establishment under the name and style of M/s. Goodluck Restaurant and Bar.

4. The offences under Sections 8(2) and (4) are punishable with imprisonment which may extend for a term of two to three years or a fine which may extend to Rs.10,00,000/- or with both.

5. In view of the facts and circumstances of the case, the custodial interrogation of the applicant is not required.

6. The Anticipatory Bail Application is

therefore allowed.

7. In the event of arrest of the applicant in FIR lodged in Special LAC No. 39/2019 registered with Nagpada 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.

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

9. The applicant shall furnish the particulars of his place of residence and contact number to the Investigating Officer of the Police Station concerned within seven days from today;

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

11. 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.)