

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 638 OF 2020

Rajesh Mahabala Shetty ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Sanjay Singh, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th MARCH, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 789 of 2019 registered with Andheri Police Station, Mumbai, for offences punishable under Section, 294, 114, r/w Section 34 of Indian Penal Code r/w Section 3, 8(1)(2) and 8(4) of Maharashtra Prohibition of Obscene Dance in Restaurant, Hotels and Bar Room and Protection of Women Dignity Act 2016.

2. The case of the prosecution is that, information was received by Police that the obscene dance was performed by women at the bar at the instance of the owner, manager, cashier and other staff of the bar. On receipt of information police raided the premises. They noticed that four women were dancing on music with obscene gestures. The customers sitting in the premises were also provoking them. The manager of the bar and other were arrested.

3. Learned advocate for the applicant submitted that the applicant is conducting the bar on the basis of power of attorney executed in his favour. There are no criminal antecedents against the applicant. The arrested accused were produced before the Court of Magistrate and they were granted bail on the first day.

4. Learned APP submitted that the applicant is involved in the crime. He was conducting the business on the basis of power of attorney issued in his favour and he is the person who is instrumental in conducting the business where obscene dancing were performed.

5. On perusal of the FIR and other documents it is apparent that the applicant is involved in the crime. The co-accused were arrested. They were manager and other members. The applicant is the person who is conducting the bar. Hence, no case for grant of anticipatory bail is made out.

6. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 638 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)