

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 679 OF 2020

Benefer Joseph Baretto Alias
Shahida Bretto

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Ms. Mallika A. Ingale, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 19th MARCH, 2020

PC :

1. The applicant is apprehending arrest in connection with C.R. No. 105 of 2020 registered with Andheri Police Station, Mumbai for offences punishable under Sections 294, 114 & 34 of Indian Penal Code r/w Sections 3, 8(1),(2) & (4) of Maharashtra Prohibition of obscene Dance in Hotel, Restaurant and Bar Rooms and Protection of Dignity of Women Act 2016.

2. The case of the prosecution is that, on receipt of information by the police, raid was conducted in the Mansha Bar and Restaurant on 17th February, 2020. It was noticed that some women were performing obscene dance. Manager of the bar was arrested. It is alleged that the activity were being conducted in connivance by the applicant and co-accused.

3. The contention of the applicant is that the license stands in the name of applicant. She has executed the conducting agreement with Hitesh Shetty on 6th March, 2015 for a period of 5 years. The period got over on 28th February, 2020. The raid was conducted on 17th February, 2020. It is submitted that the applicant was not attending the Bar and Restaurant. She is not involved in the alleged activity. She had no knowledge that the dance as alleged was being performed by women violating the license.

4. Learned APP submitted that there is breach of license and appropriate action would be initiated against the applicant. The license stands in the name of the applicant. She definitely had knowledge that the activities as alleged are being conducted in the said Bar. It is submitted that the manager of the bar and restaurant has been arrested. Statements of several witnesses were recorded. However, the statements do not mention that the applicant was visiting the bar and restaurant or she had participated in the activities in the bar and restaurant. About 12 accused were arrested and they have been released on bail.

5. Learned counsel for the applicant on instructions submits that the conducting agreement has come to an end but in future course she would not renew or execute fresh agreement with Hitesh Shetty

and would always take precaution while executing such agreement. There are no criminal antecedents against the applicant. In these circumstances, case for grant of anticipatory bail is made out.

6. Hence, I pass the following order :

ORDER

- i) Anticipatory Bail Application No.679 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 105 of 2020 registered with Andheri Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs. 25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)