

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 ANTICIPATORY BAIL APPLICATION NO.18 OF 2021

**PRASAD S/O SHRIHARI PATIL
VERSUS
THE STATE OF MAHARASHTRA**

...
**Advocate for Applicant : Chawre Anand
APP for Respondent State: S.W.Munde**
...

**CORAM : MANGESH S. PATIL, J.
DATE : 15.01.2021**

PC. :-

This is an application under Section 438 of the Cr.P.C. seeking bail in the event of arrest of applicant in connection with Crime No.129/2020 registered with Vedantnagar Police Station, Aurangabad for the offences punishable under Sections 3,4,5 and 6 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act).

2] In substance the allegations are to the effect that a raid was effected on a tip off on a premises where couple of women were found engaged in prostitution, some customers were also there. It is being alleged that the applicant is the brothel keeper and had facilitated running of that brothel through a co-accused who was engaged as a manager.

3] The learned Advocate for the applicant submits that the applicant is innocent. He is being falsely implicated. All the misdeeds are of the co-accused manager who is already behind the bars. The women found there

have stated before the Probation Officer that they were doing the activity voluntarily. There was no duress. The learned advocate would further submit that there is a gross error in effecting the raid by an Officer who is not competent to effect the raid as contemplated under Sections 13 and 15 of the PITA Act.

4] The learned A.P.P. opposes the application.

5] I have carefully gone through the papers. The applicant is attributed with the allegations of running a brothel.

6] True it is that in the order passed by the Magistrate granting bail to the victim women, there is a reference about they having stated before the Probation Officer that there was no compulsion by anybody for engaging in the prostitution. However, it cannot be comprehended that the applicant was merely allowing them to run their occupation without charging anything.

7] It is in fact a serious matter. The allegations are about running of a brothel. Obviously the matter needs investigation. Custodial interrogation of the applicant is clearly imperative. Whether the investigation is being carried out by the Officer competent to carry out it under the provisions of the PITA Act is a matter which need not bother us at this juncture.

8] The application is rejected.

[MANGESH S. PATIL, J.]