

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

ANTICIPATORY BAIL APPLICATION NO. 989 OF 2021

Akash s/o Prabhakar Korale,
Age : 28 years, Occu. Labour,
R/o. 129, Manthal, Dharmpeth,
Basavkalyan, Tq. Basavkalyan,
Dist. Bidar.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Ganesh J. Kore, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

**CORAM : V. G. BISHT, J.
DATED : 07th September, 2021**

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0355 of 2021, registered with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1959.

2. Prosecution alleges that the applicant was found carrying on business of prostitution with the help of 5 to 6 prostitutes in Lodge and Beer Bar by name 'Hotel Abhiraj'. Accordingly, the FIR came to be lodged.

3. Mr. Ganesh J. Kore, learned Counsel for the applicant, submits that the applicant is neither the lodge owner nor was he running the said lodge. Moreover, having regard to the nature of allegations there is no necessity of custodial interrogation and, therefore, the present application deserves to be allowed.

4. Mr. N. T. Bhagat, learned APP, on the other hand, opposed the submissions by contending that the investigation is in progress and various incriminating articles came to be seized from the hotel and in such circumstances, the custody of the applicant is necessary and, therefore, there being no merit in the application, same is liable to be rejected.

5. After having gone through the FIR carefully, I find that various incriminating articles like moneys, condom packets and the prostitutes were found during the raid. Articles have been seized by the concerned Police officer. Having regard to the nature of allegations, in my considered opinion, there is no necessity of the custodial interrogation of the applicant and the application deserves consideration, however, with certain conditions. In view of this, I pass the following order.

ORDER

- i. In the event of arrest of the applicant, namely, Akash Prabhakar Korale in connection with Crime No. 0355 of 2021, registered with Omerga Police Station, District Osmanabad, for the offences punishable under Sections 3,

4, 5 of the Immoral Traffic (Prevention) Act, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.
- iii. The applicant shall not tamper with the prosecution evidence in any manner.

6. The Anticipatory Bail Application stands disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE