

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

915 ANTICIPATORY BAIL APPLICATION NO. 1101 OF 2020

**RAMESH S/O.DATTATRYA RAJE
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicant : Mr. P.P. More.
APP for Respondent : Mr. S.W. Mundhe.

**CORAM : MANGESH S. PATIL, J.
DATED : 19.01.2021**

PER COURT :

The applicant is seeking bail in the event of his arrest in Crime No. 386/2020 registered with Shivaji Nagar Police Station, Latur, for the offences punishable under Section 370 of the Indian Penal Code read with Sections 3, 4, 5, 7 of Immoral Traffic (Prevention) Act, 1956.

2. The FIR reads that on a tip a raid was effected on a premises and it was found that some women were engaged in prostitution. The FIR was lodged and the offence was registered implicating the present applicant who happens to be the owner of the premises, along with the owner of the lodge being run in the said premises, its manager and other persons.

3. The learned Advocate for the applicant points out that though the applicant is the owner of the building, he has leased it out to the co-accused Shyam Kishor Talekar under a registered agreement of Leave and licence executed on 01.08.2016. He has no role to play as far as running of the brothel is concerned. Nothing is to be recovered from him. He is ready to co-operate the Investigating Officer. There are no criminal antecedents. He cannot be attributed with the knowledge as to the use for which the premises was put to.

4. The learned Advocate for the applicant would further submit that the manager of the lodge has been granted anticipatory bail by the Sessions Court. Therefore, on merits as well as on the ground of parity the applicant may be granted bail.

5. Learned APP opposes the application. He submits that the matter is still under investigation. In all probability the applicant must have been aware about the use of his premises by the tenant. Learned APP fairly concedes that the manager of the lodge who is a co-accused, has been granted anticipatory bail by the Sessions Court.

6. I have carefully gone through the papers. Admittedly the applicant was not found at the spot. He appears to be the owner of the property. However, there is a copy of registered deed of Leave

and licence dated 01.08.2016 showing that the applicant has leased out the premises to co-accused Shyam Kishor Takalkar.

7. There is no material to prima facie show that even the applicant was aware about the use of the premises.

8. Apart from the above state of affairs, admittedly the manager of the lodge, has been granted anticipatory bail by the Sessions Court. There is no challenge to that order.

9. Considering the aforementioned state of affairs, on merits as well as on the ground of parity the applicant deserves to be granted bail, more so when there is absolutely no material about he having been engaged in either running the brothel or engaged in trafficking.

10. Application is allowed. The ad interim relief granted by the order dated 13.11.2020, stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)