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

ANTICIPATORY BAIL APPLICATION NO.188 OF 2020

Mr. Ganesh S. Poojary .. Applicant
vs.

The State of Maharashtra .. Respondent

Ms. Racheeta R. Dhuru for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Amol Shinde, API, Dindoshi Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2021

P.C.:-

1. Heard learned Counsel for the applicant. This is an application for pre-arrest bail in respect of the FIR No. 704 of 2019 registered on 24/12/2019 with the Dindoshi Police Station for the offences punishable under sections 294, 308, 114 read with 34 of Indian Penal Code and sections 3, 8(1), (2), (3), (4) and 5 of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016

and sections 34, 131 of the Maharashtra Police Act and Section 68 of the Bombay Prohibition Act.

2. On 23/01/2020, following order came to be passed while granting interim protection to the applicant, the relevant portion of which reads thus :

"Except the statement of co-accused, Bangera, the Manager of the Establishment/Hotel which was raided by the respondents, no material has been brought to my notice, to show that the applicant is conducting the hotel, namely Durga (Maurya) Restaurant and Bar at Malad."

3. The order was passed as far back as on 23/01/2020. Learned APP on instructions points out that there is no documentary material on record to indicate that the applicant is the owner of the said hotel and that he is conducting the said hotel. During the course of investigation, statement of Ms. Dilshad Usman Shaikh is recorded. She says that on the instructions of the applicant who is conductor of the bar that she reported for work. She further states that it is the co-accused Sandip Sanjiv

Bangera who instigated Dilshad and other girls to dance. Except these materials, there is nothing on record to show that the applicant is conducting the dance bar which was raided by the respondents. Learned APP points out that there is one previous antecedent against the applicant, in that a similar type of offence has been registered against the applicant in the year 2015 with Kurar Police Station near Malad.

4. Considering that the applicant has been granted interim protection since 23/01/2020 and in the facts of the present case, in my opinion, the custodial interrogation of the applicant is not required. However, considering the past antecedent, it is necessary to impose stringent conditions on the applicant while releasing him on pre-arrest bail. Hence, the following order.

ORDER

(i) The interim protection granted by this Court stands confirmed.

(ii) In the event of the arrest of the applicant in

connection with C.R. No. 704 of 2019 registered with Dindoshi Police Station, the applicant shall be released on bail on furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when called.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) The applicant shall remove himself from the area of Mumbai district and Mumbai Suburban district within a period of 2 weeks from today and furnish the address of such residence to the Investigating Officer. He shall report to the Police Station closest to his residence once every Monday of the week between 11.00 a.m. and 1.00 p.m.

(vi) The applicant is allowed to enter area of Mumbai district and Mumbai Suburban district as and when directed by Investigating Officer for the purpose of investigation or as directed by the concerned Court.

(vii) Liberty to apply for modification of this condition after filing of the charge-sheet which shall be considered

on its own merits.

5. Application is disposed of.

(M.S. KARNIK, J.)