

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.300 OF 2021

Mahesh Kisan Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr.Ashray Dave a/w. Mr.Pradeep Kumavat h/f Prabhanjay Dave,
Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th FEBRUARY, 2021.

PC :

1. The applicant is apprehending arrest in connection with LAC No 75 of 2018, registered with D. B. Marg Police Station for the offences punishable under Sections 370 of Indian Penal Code, 1860 (“IPC” for short) and Sections 3, 4, 5, 6, 7(1)(b) of Prevention of Immoral Traffic (Prevention) Act, 1956 (“PITA” for short).

2. The case of the prosecution is that the prostitution activities were being conducted in the premises, where the applicant and the co-accused Kailash Yadav, are Tenants.

3. The contention of the applicant is that although he is a co-tenant, he did not participate in alleged activity. There was no evidence to indicate that the applicant has at any point of time had indulged or induced any person or participated in the alleged activities.

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4. Learned APP in fairness submits that statement of the victim/witnesses were recorded, they have not referred to involvement of the applicant. The past cases have resulted in acquittal. In these circumstances, the applicant need not be subjected to custodial interrogation.

5. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.300 of 2021, is allowed;
- (ii) In the event of arrest of applicant in connection with LAC No 75 of 2018, registered with D. B. Marg Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/- (Rupees Twenty Five Thousand Only), with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer once in three months on every first Saturday of the month between 11.00 am. To 1.00 pm. till further order;
- (iv) The application stands disposed of.

(PRAKASH D. NAIK, J.)