

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.521 OF 2020

Nayana Meghanath Shetty

Applicant

versus

The State of Maharashtra

Respondent

Mr.PR.Dave for applicant.

Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th April 2021

PC :

1. This is an application for anticipatory bail in CR No.900 of 2019 registered with Andheri Police Station for offences under Sections 294, 114 r/w 34 of Indian Penal Code and under Sections 3 and 8 of Prohibition of Obscene Dance in Hotels, Restaurant and Bar Room and Protection of Dignity of Women Act 2016.

2. The case of prosecution is that on 27th December 2019 information was received that obscene dances are performed in various hotels in the area. The police raided Gulabi Bar and Restaurant situated at Chakala, Andheri. It was found that two women were performing dance. The customers sitting in the bar were supporting them. Police entered into the premises. The women who were dancing were set free. Bar manager, cashier and customer were taken into custody for further action. FIR was registered on 28th December 2019.

3. Ramesh Gauda, Ashok Yadav, Bablu Roy, Pawan Yadav, Harish Gauda, Hariprasad Shetty, Girish Bore were arrested and they were

produced before the concerned Court for remand on 28th December 2019. They were remanded to custody. All the persons who were arrested were granted bail by learned Magistrate. The applicant preferred application for anticipatory bail which was rejected by order dated 14th February 2020.

4. Learned counsel for applicant submitted that bar and restaurant is in existence since last several years. The licenses for conducting the business and orchestra were in the name of husband of applicant. In 2017 applicant's husband had expired. The applicant being lady was unable to conduct the affairs of bar. In January-2018 the bar was given on leave and license basis for three years to one Hariprasad Shetty. Leave and license agreement was executed and registered. The period of license was from 1st February 2018 to 31st January 2021. It is submitted that the applicant is not indulging in the alleged act. Raid was conducted on 27th December 2019 when the leave and license agreement was in operation. The arrested accused were granted bail.

5. Learned APP submitted that in the past three offences were registered against the applicant. The licenses are not renewed. She has participated in the business conducted at the restaurant and responsible for that business. She is aware that obscene dances are being performed at the premises.

6. Undisputedly the applicant was not present at the place of incident when the raid was conducted. Several persons were arrested on the date of raid and they were granted bail. Leave and license agreement has been annexed to this application which indicate that the applicant and her son had executed the said agreement with Hariprasad Shetty in respect to Hotel Gulabi Bar and Restaurant situated at Chakala, Andheri East. The license agreement was in operation from 1st

February 2018 to 31st January 2021. The agreement has already come to an end. Learned counsel for applicant, on instructions, has made statement that leave and license agreement has expired and the applicant would not renew the same with Hariprasad Shetty for conducting bar and restaurant business. The statement is accepted. The applicant is not indulging in alleged acts as she is not conducting business. It is also submitted that establishment is closed on account of pandemic. Even if the premises is let out on leave and license, she would take steps to see that the bar and restaurant is not used for conducting obscene dances.

7. Considering the circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.900 of 2019 registered with Andheri Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount'
- (iii) The applicant shall appear before the Investigating Officer as and when called for;
- (iv) The applicant shall forward details of her telephone number to Investigating Officer;

(PRAKASH D. NAIK, J.)

MST