

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

**ANTICIPATORY BAIL APPLICATION NO. 748 OF 2021**

|                          |                 |
|--------------------------|-----------------|
| Akil Ibrahim Arkate      | .... Applicant  |
| Versus                   |                 |
| The State of Maharashtra | .... Respondent |

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Mr. Harshad Bhadbhade, for the applicant.  
Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 31<sup>st</sup> MARCH, 2021**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 274 of 2020 registered at Chiplun Police Station, Ratnagiri, on 24/11/2020 under sections 376(2)(n), 366-A, 370(4) of the Indian Penal Code, under sections 4, 8 and 12 of Protection of Children from Sexual offences Act and under sections 3, 4, 5 and 7 of the Prevention of Immoral Trafficking Act.
  
2. Heard Mr. Harshad Bhadbhade, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. In this matter, the charge-sheet is filed against the other co-accused. A copy of the charge-sheet is annexed to this application. Learned APP has filed an affidavit summarising the allegations against the present applicant which are taken from the charge-sheet.

4. The prosecution case is based on the statement of prosecutrix herself who was 16 years of age at the time of lodging of the FIR. As per the prosecution case, the informant's sister was acquainted with one Sarina Bibi and one Wasim. Wasim induced the informant and her sister to come to Chiplum from Kolkatta telling them that there were good opportunities for earning their livelihood. After a few days, on one occasion, Wasim committed rape on the informant. Thereafter he took her at different hotels and forced her to prostitution where several persons had forcible sexual intercourse. In any case, she being below 18 years of age, all these instances amount to commission of rape. On these allegations the FIR was lodged on 27/11/2020.

5. The informant in her supplementary statement has given names of the hotels where she was forced to go for prostitution. The applicant is concerned with one of such hotels namely Green Park Hotel, Chiplun. He is owner of that hotel and that is why he is apprehending his arrest. The Victim's statement was also recorded under section 164 of Cr.PC. She had identified some of the accused in Test Identification Parade, who had forcible sexual intercourse with her. The affidavit of the Investigating Officer mentioned that the applicant was owner of Green Park Hotel. It was run by him exclusively for human trafficking. The applicant had no licence for running that hotel at the relevant time. He had not maintained proper entries in the Register. According to the prosecution case, he was in touch with co-accused Wasim and Rupali, who used to supply victims at the hotel. The investigation papers contain call records which is annexed to the affidavit. All these call records show that the applicant was in touch with Wasim and Rupali. He was also part of that racket.

6. Learned Counsel for the applicant submitted that merely owning of the hotel cannot be an offence. If some accused have taken advantage of booking rooms in his hotel for illegal purpose, the applicant cannot be held responsible for the same. He further submitted that the applicant had nothing to do with that racket.

7. Learned APP based her submissions on the affidavit referred to herein above to oppose this application.

8. I have considered these submissions. Undoubtedly the offence is serious. Section 370 of the Indian Penal Code covers activities of the present applicant. The allegations of the first informant clearly show that she was exploited within the meaning of Section 370 of the Indian Penal Code. The informant was a minor and therefore according to Section 370(4) of the Indian Penal Code, the offence is punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life.

9. Telephone calls between the co-accused Wasim and Rupali with the present applicant shows that he was very much part of the racket when the victims were brought to the hotel. The very fact that the informant herself was brought to the applicant's hotel on multiple occasions shows that the applicant cannot feign ignorance about occupants of his hotel or about the activities conducted in his hotel. The offence is quite serious. It requires custodial interrogation of the present applicant. No case for anticipatory bail is made out.

10. The application is rejected.

**(SARANG V. KOTWAL, J.)**