

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

ANTICIPATORY BAIL APPLICATION NO. 1114 OF 2019

Zahir Raza Kazmi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ashok M. Saraogi, for the Applicant.

Mr. S. V. Gavand, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.138 of 2019, registered with the Kurla Police Station, Mumbai, for the alleged offences punishable under Sections 370(3) of the Indian Penal Code and under Sections 3, 4, 5, 7(1)(b) of Immoral Traffic (Prevention) Act, 1956 (PITA Act).
3. Learned Counsel for the applicant submits that the applicant is the landlord of the premises where raid took place on 14th March 2019. He submits that the applicant had given the said premises on Leave & License

to the accused. Learned Counsel submits that the applicant had no knowledge of the activities that were being carried out by the said accused.

4. Learned APP does not dispute the fact that the applicant is the owner of the premises where raid was conducted and where immoral activities were carried out. He also does not dispute the fact that the applicant had given the said premises on Leave and Licence.

5. Considering the aforesaid, i.e. the applicant is the owner of the premises and that there is no material shown by the prosecution that the applicant had knowledge of the illegal activities being carried out in the said premises, the interim protection granted by this Court vide order dated 21st May 2019 is confirmed on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called, till the filing of the charge-sheet;

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

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the investigating agency;

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.