

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2259 OF 2021**

Miss Priya Kanhaiya Raj & Ors. .. Applicants

Vs.

The State Of Maharashtra .. Respondent

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Mr.Sushil Upadhyay i/b A.M. Saraogi, Advocate for Applicant.

Mr. S.H. Yadav, A.P.P. for the State-Respondent.

PSI Shriram Bhosale, Kasturbha marg police station present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 21st SEPTEMBER, 2021

PC.

1. This is an application for anticipatory bail in C.R.No.163 of 2021 registered with Kasturbha Marg Police Station for the offences punishable under Sections 308, 294, 114, 188, 269, 270 r/w 34 of the Indian Penal Code and Section 8(4), (5), (6) of Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Woman Act, 2016 and Section 51(B) of the Disaster Management Act, 2005.

2. The case of the prosecution is that “Parkside Bar and Restaurant” was raided on 27.03.2021. Under the guise of performance musical orchestra, the women therein were involved in obscene dancing. Raiding parties conducted search and some of the women were found hiding in a small room,

which was in inhuman condition and without ventilation.

3. Several persons were arrested and they were subjected to custody. Some of them had preferred Bail Application No.1684 of 2021, which was allowed by this Court vide order dated 02.06.2021.

4. The applicants herein were the women allegedly performing dance and found in the room.

5. Applicability of Section 308 of IPC is debatable. The persons, who were conducting the activities in the bar and restaurant, were granted bail.

6. Learned APP submitted that accused were performing obscene dance in presence of customers. To avoid arrest, the secret room is created to hide the women, which is without ventilation which could suffocate persons hiding there.

7. Custodial interrogation of the applicants is not necessary and they can be granted protection under Section 438 of Cr.P.C.

ORDER

- (i) Anticipatory Bail Application No.2259 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R.No.163 of 2021 registered with Kasturba Marg Police Station, the applicants be released on bail on executing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount.

- (iii) The applicants shall appear before the Investigating Officer as and when called for.
- (iv) The applicants shall provide their address to the investigating officer.
- (v) Application stands disposed of.

(PRAKASH D. NAIK, J.)