

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2137 OF 2019

1. Kajal Kishor Chauhan .Applicants
2. Ms Afreen Riyaz Khan

Vs.

The State of Maharashtra .Respondent

Mr. Tushar Halwai i/b. Mr. P. R. Dave, Advocate, for the Applicants
Mr. P. H. Gaikwad, APP, for the Respondent – State
Mr. R. D. Vishwasrao, PSI, Pairani officer, Goregaon police station
present

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06.08.2021

(THROUGH VIDEO CONFERENCING)

P. C.

. This is an Application filed under Section 438 of the Code of Criminal Procedure, 1973 by the aforesaid Applicants apprehending their arrest in Crime No. 106 of 2019 registered with the Goregaon Police Station for the offences punishable under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act (for short 'PITA').

2. It is the case of the prosecution that an information

was received that prostitution activities are conducted in 'Ayra Spa' situated at the first floor, Rohini Building, Shastri Nagar, Link Road, Goregaon, Mumbai. In view of the said information, raid was effected and one person from housekeeping was arrested and eight women were rescued. The Applicant No. 1 is stated to be the Manager, whereas the Applicant No. 2 is stated to be the owner of the said Ayra Spa.

3. The record indicates that all the victims, who were arrested were between the age group of 20 to 40 years. There is no prima facie material to indicate that they were exploited by the Applicants. Considering these facts, this Court (Coram : Revati Mohite Dere, J.) by order dated 30.09.2019 had granted interim protection to the Applicants with direction to the Applicants to report to the investigating officer on the dates specified in the order. It is stated that the Applicants have complied with the said condition and that investigation has been completed. Learned APP, under instructions states that charge-sheet was not filed because of the pendency of these Applications and that charge-sheet will be filed within two weeks from today.

4. Considering the above facts, in my considered view, this is not a case which justifies custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

O R D E R

(i) In the event of arrest of the Applicants in C. R. No. 106 of 2019 registered with the Goregaon Police Station, they be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall furnish their current address and mobile contact numbers and / or change of residence or mobile details, if any, to the investigating officer;

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

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)