

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 541/2021

(Shubham S/o Sudhakar Khadekar Vs. State of Maharashtra)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri C. B. Barve, Advocate for applicant.
Shri H. D. Dubey, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 24.09.2021.

Heard.

2. It is prosecution case that after receipt of information, the Police have raided on brothel house which was run by the co-accused. The allegation against the applicant is that he was a customer who allegedly ran away at the time of raid. Learned counsel for the applicant would submit that the identity of applicant is in question and the provisions of Sections 3, 4, 5 and 9 of the Immoral Traffic (Prevention) Act, 1956 ('Act of 1956') would not apply against him. In support of said contention, he relied on the decision of the Karnataka High Court, at Bengaluru in Criminal

Petition No. 5059/2017 (Chandru S. & anr. Vs. the State by Malleshwaram P. S. Bengaluru & anr.), decided on 07.12.2017.

3. Reading of First Information Report discloses that at relevant time, one person was ran from the place of brothel house whose name was informed by one girl found at that place. It is the matter for consideration whether the customer can be brought into the ambit of the provisions of the Act of 1956. Having regard to these facts, the applicant's liberty can be protected. Hence following order:-

(I) Application stands allowed and disposed of.

(II) Ad-interim order dated 25.08.2021 is hereby made absolute on the same terms and conditions.

(III) The applicant shall continue to attend the Police Station till filing of charge-sheet or for

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the period of three months from today whichever
is earlier.

JUDGE

Gohane.