

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.341 OF 2022

APPASAHEB @ APPA BHAGOJI SATHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. R. N. Jadhav
APP for Respondent-State : Ms. Vaishali Patil Jadhav

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 05-04-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.48 of 2022, registered with Khultabad Police Station, Aurangabad, for the offence punishable under Section 3 and 4 of the Immoral Traffic (Prevention) Act 1956.
2. Heard learned Advocate Mr. R. N. Jadhav for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State.
3. It has been submitted that on the tip received by the Investigating Officer on 04-02-2022 that a lady by name Chandrakala Bhagaji Sathe is running a brothel/ immoral activities in Arya Hotel at Mhaismal, raid was conducted. It is then stated in the FIR that a fake

customer was sent in the hotel whereupon the lady who was present there i.e. accused Chandrakalabai, gave the said fake customer about the rates and the victim was also found. Chandrakalabai was arrested. As regards the present applicant is concerned, as per the prosecution he is involved in the said immoral activities. Main accused have been already released on bail by Judicial Magistrate First Class, Khultabad. The physical custody of the applicant is not required for the purpose of investigation. The said hotel was taken by the applicant on rent. The rent agreement between him and the landlord is in possession of the applicant, but for that purpose the physical custody is not required. He is ready to abide by the terms of the bail.

4. The learned APP strongly opposed the application and submitted that the said Chandrakalabai is the mother of the present applicant. She was found carrying the prostitution and was using the said hotel as brothel. She had dragged the victim in the flesh business. The physical custody of the applicant is required to reveal as to how many victims have been dragged in the prostitution. For such immoral activities, the discretionary relief may not be granted.

5. The FIR has been lodged by Police Inspector Bhujang Namdeo

Hatmode of Khultabad Police Station. He has given details as to how he received the secret information and then the raid was conducted. They had sent a fake customer and then he had contacted Chandrakalabai who had quoted the rates, and thereafter, after giving the amount, the fake customer went inside, thereafter, he was with a lady when he gave indication to the raiding party. The victim who was found at the spot gave statement that the charge levelled for the prostitution is Rs.500/- per customer, out of which Chandrakalabai keeps amount of Rs.250/- for herself and gives Rs.250/- to the victim. The tainted currency note was found with Chandrakalabai. As regards the present applicant is concerned, he had taken the hotel on rent. The photocopy of the rent agreement is procured. Ultimately what activity goes on in his hotel would be definitely within the knowledge of the applicant. When it comes to such immoral activities, the discretionary relief cannot be granted in favour of the applicant. Hence, the application deserves to be rejected, accordingly it is rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.