

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1814 OF 2022

Vaibhav Balasaheb Kadam and Another ...Applicants

vs.

The State of Maharashtra ...Respondent

Ms. Vilasini B. a/w. Mr. Jaydeep Mane, for the Applicants

Mr. Y.Y. Dabake, APP, for the State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 07, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 41 of 2022 registered with Mohol police station for the offences punishable under sections 370 and 370(A) of the Indian Penal Code, 1860 and sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 (ITPA, 1956).

2. The prosecution case, runs as under:-

Pursuant to an intimation that a brothel was being run at King Lion Lodge, Pandharpur road, Mohol police employed three decoy customers. Marked currency notes were entrusted to them. Those customers went to the said lodge. Police party followed them. After the decoy gave the signal, the police party raided the lodge. Jaypal Pawar, the pimp, was apprehended. After noticing the

raiding party, the manager of the lodge fled away. The applicant No. 2 Pramod Javanjal is alleged to be the said Manager. The raiding party went to room Nos. 17, 18 and 19. In each of the rooms, a decoy customer and a lady were found. Those ladies disclosed that the pimp Jaypal Pawar had brought them for the purpose of prostitution. The investigation further revealed that the owner of the said lodge Vishal Shinde had let out the said lodge to the applicant No. 1 Vaibhav Kadam for operating the said lodge by executing an agreement. The applicant No. 1 thus came to be implicated.

3. The applicants have preferred this application for pre-arrest bail with the assertions that the said lodge was being run in conformity with all the rules and regulations. Proper record incorporating the personal identity of the persons who visited the lodge have been maintained. The applicants have been falsely roped in due to inimical relations and family disputes. Nothing is to be recovered from the applicants. Hence, their custodial interrogation is not warranted.

4. I have heard Ms. Vilasini Balsubramanium, learned counsel for the applicants and Mr. Dabake, the learned APP for the State.

5. The learned counsel for the applicant canvassed submissions on the lines of the assertions in the application. It was urged that both the applicants were not found at the place of occurrence during the alleged raid. Since the raid has been conducted, incriminating articles allegedly seized and the statements of the witnesses have been recorded, the investigation can be said to complete. Thus, according to the learned counsel for the applicants, the custodial interrogation of the applicants is not at all warranted. Therefore, they be ordered to be released on bail in the event of their arrest.

6. Learned APP, on the other hand, submitted that the material on record indicates that as many as three ladies were found being exploited. The number of victims underscores the fact that the said lodge was being used as a brothel with impunity. Emphasis was laid on the fact that the applicants have not made any endeavour to dispute their position qua the lodge.

7. Indeed the applicant No. 1 Vaibhav claims that he runs the King Lion lodge. The agreement executed between Vishal Shinde, the owner of the said premises, and the applicant evidences the said fact. Nor the applicant No. 2 Pramod claims that he had no concern

with the lodge. The applicant No. 2 also asserts, in the application, that he has been working as a Manager with the said lodge and it was operated in conformity with the rules.

8. In the aforesaid backdrop, at this juncture, there is adequate material in the form of pre and post raid panchanamas and the statements of decoy customers and the victims to lend support to the prosecution version that the said lodge was being used as a brothel. There is also material to show that the owner and manager of the said lodge along with the pimp were living on the earnings of the prostitution. The offences punishable under sections 3, 4 and 5 of ITPA, 1956, thus can be said to have been prima facie made out.

9. The fact that the applicant No. 1 Vaibhav was not found at the lodge, during the course of raid, is not of much significance. As regards the applicant No. 2 Pramod the prosecution alleges that the applicant No. 2 Pramod fled away after noticing the raiding party. In the circumstances, in the face of prima facie material to show the relationship between the applicants and the premises, which was being used as a brothel and that the applicant's were living on the earnings of the prostitution, I am not inclined to accede to the submission on behalf of the applicants that the applicants deserve

the benefit of pre-arrest bail. I am thus not persuaded to entertain the application.

The application stands rejected.

(N. J. JAMADAR, J.)