

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

CRIMINAL BAIL APPLICATION NO.4352 OF 2021

Ashok Vishwanath Katkar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Viresh V. Purwant a/w Mr.Rushikesh S. Kale for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent –State.

CORAM : C.V. BHADANG, J.

**DATE : 4 JANUARY 2022
(Through Video Conferencing)**

P.C.

1. This is an application for bail. The Applicant is a co-accused in Sessions Case No.148 of 2021 before the learned Additional Sessions Judge at Solapur under Section 370(A) of Indian Penal Code and 3,4,5 and 6 of the Immoral Traffic (Prevention) Act, 1956, arising out of Crime No.491 of 2021 of Fauzdar Chawdi Police Station, Solapur.

2. The prosecution case is that a raid was conducted at Asmita Lodge, Navi Peth on 16 July 2021 at about 12.30 p.m. on prior information, that the said premises are being used for prostitution. A decoy customer was sent with marked currency

notes. In short according to the Complainant Police Naik Mahadev Bandgar the Applicant who is the Manger at the said lodge was found to be conducting prostitution in the lodge. The decoy customer was found in Room No.101 with a girl aged about 28 years. It was revealed that Rs.2,000/- were being charged from the persons visiting the lodge out of which a part was paid to the girls. On such a complaint the offence came to be registered and after investigation a charge-sheet is filed.

3. Indisputably the Applicant was working as a Manger and the Investigation of the offence is completed and the charge-sheet is filed.

4. The Applicant was arrested on 16 July 2021. The offence is triable by Magistrate with a maximum punishment of 5 years under Section 370(A)(2) of IPC. *Prima facie* the offence under section 370(A)(1) may not be made out as the investigation does not discloses that any minor girls were involved.

5. Considering the overall circumstances, the following order is passed.

ORDER

- (i) The applicant be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall not leave the jurisdiction of the learned Magistrate without prior intimation.

(iii) The applicant shall not directly or indirectly engage in any similar act or make an attempt to contact the victim and shall not otherwise tamper with the prosecution evidence/witnesses.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.