

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1114 OF 2022**

Sana Satish Padmashali Akasana Yusuf .. Applicant
Darvesh

Versus

State of Maharashtra .. Respondent

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Ms.Masuma Merchant with Satyandar Yadav for the applicant.
Mr.A.A.Palkar, APP for the respondent State.

CORAM: BHARATI DANGRE, J.

DATED : 6th JUNE, 2022

P.C:-

1 On 24/5/2022, the applicant was granted protection from arrest by way of an ad-interim order and she was directed to attend the police station on 25th and 27th May 2022.

2 The learned counsel for the applicant state that she has co-operated with the investigation and this statement is not disputed by the learned APP.

3 The learned APP has invited my attention to a statement of one girl, aged 26 years recorded u/s.164 of the Code of Criminal Procedure.

A careful reading of the said statement disclose that the applicant was running a Spa in partnership with some person

and on 23/8/2021, when she reported to the Salon, she was directed to the Spa which was also run by the applicant and located at a distance of 20 to 25 minutes. When she entered the SPA, she was told that a customer is likely to visit and he should be given back massage. This job was assigned to her in case if another girl who was supposed to give the massage, did not arrive in time.

4 The aforesaid statement *prima facie* is not of any assistance to the prosecution as she referred to some other girl with whom she inquired whether she can give massage and she had denied it. Therefore, it is stated by the said witness that she realized that an activity of prostitution was carried out in the Spa. However, the said statement do not lead to this conclusion which the learned APP is trying to project. Another statement of the girl who was to give massage is also recorded u/s.164, which also do not lead to a conclusion that some activity of prostitution was being carried out.

Since the applicant has rendered her co-operation to the Investigating Officer, the order dated 24/5/2022 deserve to be made absolute.

The applicant shall report to the Investigating Officer as and when called for.

(SMT. BHARATI DANGRE, J.)