

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1664 OF 2022

Shekhar Mahabala Shetty .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Shambhu M. Jha a/w Mr. Kuldeep Jain for the applicant.
Smt. Anamika Malhotra, APP for the State.
Mr. Harshand Raut, PSI, Kashimira Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 24th JUNE, 2022

P.C:-

1 The applicant is accused of an offence punishable under section 3,8(1) and 2 of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016. The complainant alleges that when raid was conducted with the aid of a decoy customer, it was noticed that conduct during performance in the Hotel Bar was in violation of the provisions of the Act.

2 The applicant is alleged to be the owner of the said establishment. The learned counsel for the applicant has placed on record the Agreement for Conducting Business entered with

Chandrakant Shetty, for a period of five years commencing from 1/11/2019 to 31/10/24 and on relying upon the said agreement the defence of the applicant is that he was not in any way concerned with Sainath (Night City) Bar and Restaurant situated on Western Highway, Mira Road, Thane from 1/11/2019. The applicant had also intimated the concerned police station about entering into the conducting agreement, by communication dated 21/11/2019, which is also placed on record.

3 In the wake of the above, since the applicant is not responsible for the activities carried out in the Bar and Restaurant, *prima facie* he cannot be attributed of the alleged offence under the Act of 2016.

4 This aspect about executing the conducting agreement is not disputed by the learned APP.

In the wake of the above subject, to the stipulation that applicant shall render his co-operation in the investigation. Hence the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Shekhar Mahabala Shetty in connection with C.R.No.302/2022 registered with Kashimira Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report to the Police Station on 27th and 30th June, 2022 between 10.00 am to 2.00 p.m, and thereafter as and when directed.

Application is disposed off.

(SMT. BHARATI DANGRE, J.)