

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1851 OF 2022

Robin C. Abraham ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Kuldeep Nikam i/b. Ms. Saili Dhuru, for the Applicant

Mr. A.A. Palkar, APP, for the State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 11, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 525 of 2022 registered with Wakad police station, Pune for the offences punishable under section 370(3) read with 34 of Indian Penal Code, 1860 and sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act).

2. Pursuant to an intimation that at 'Chak-Chakak' the spa situated at Shop No. 108, Prestin Square Mall, Shankar Kalte Nagar, Wakad, Pune, disguised as Spa, prostitution was being carried out, a raid was conducted by employing decoy customers. Two victims were found in the said premises. It transpired that the manager and the owner of the said spa, the applicant herein, were causing the victims to carry on the prostitution. A sum of Rs. 3,000/- was

charged per customer. The manager and owner took Rs. 1,500/- out of the said amount and the victim was paid Rs. 1,500/-. The co-accused Nikhil Jadhav came to be apprehended. It transpired that the applicant was the owner of the said spa. He caused those victims to carry on the prostitution in the said premises and was thereby living on the earnings of the prostitution.

3. Apprehending arrest, the applicant preferred an application for pre-arrest bail. The learned Sessions Judge was persuaded to reject the application opining that the complicity of the applicant was prima facie made out.

4. The learned counsel for the applicant submitted that the applicant had taken the said premises on leave and license on 12th October, 2020. The spa was in fact run by the wife of the applicant. She had executed a general Power of Attorney in favour of the applicant. In turn, the applicant had appointed one Swati Jadhav as a Manager for providing beauty services at Serena Spa. The applicant is working as a Sales Manager in HDFC Bank and therefore there was no occasion to indulge in the alleged activities.

5. I have perused the allegations in the first information report

and the investigation papers. The fact that the applicant is the licensee of the premises in question is borne out by the version of the applicant that he had obtained the said premises for non-residential use under leave and license agreement dated 12th October, 2020. The spa was stated to be run by the applicant's wife to manage the affairs of the said spa. A general Power of Attorney was executed in favour of the applicant. Thus, on the own showing of the applicant, there is prima facie material to establish the nexus between the applicant and the premises in question.

6. In the aforesaid backdrop, the submission on behalf of the applicant that the applicant had in turn appointed a manager to operate the said spa is required to be appreciated. In the light of the material which is unearthed during the course of investigation, prima facie, it appears that on 16th June, 2022, a raid was conducted at the said premise and two victims were found with decoy customer.

7. Mr. Nikhil Jadhav, the manager of the hotel came to be arrested. Incriminating articles were seized. The statements of the victim clearly reveal that the applicant was the owner of the said spa and Mr. Nikhil Jadhav, who was then apprehended, was the

manager. The applicant, Nikhil Jadhav and Swati Jadhav were causing prostitution to be carried out from the said premises. The victims have categorically asserted that they were not the trained Masseur. The accused induced them to work as prostitutes by luring them with money.

8. In the light of the aforesaid material, especially in the backdrop of the nexus between the applicant with the said premises, I find, it rather difficult to accede to the submission on behalf of the applicant that he had no concern with the operations in the said spa. The complicity of the applicant is, therefore, prima facie made out. Thus, I am not inclined to entertain the application for pre arrest bail.

Hence, the following order.

ORDER

The application stands rejected.

(N. J. JAMADAR, J.)