

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3192 OF 2022

Mr. Kishor Dnyaneshwar Atkire ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Rahul Kadu, for the Applicant.
Mr. P.H. Gaikwad Patil, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 14.12.2022.

PC. :

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 851 of 2022 registered at Yawat Police Station, Pune Rural for the offences punishable under Sections 370(3) of the Indian Penal Code (IPC) and under Sections 3, 4, 5 and 8 of the Immoral Traffic (Prevention) Act, 1956 (P.I.T.A. Act).

3. It is the case of the prosecution that on 12th October 2022, pursuant to the secret information, a raid was conducted at Nakshatra Lodge and the applicant and other co-accused were found to be running brothel there.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. The applicant came to be implicated in the present crime just because he is the owner of the premises where the co-accused was running the lodge. It is submitted that nothing is to be recovered from the applicant and therefore, his custodial interrogation is not necessary. It is therefore, submitted that the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP for the State submits that during interrogation it was found that co-accused was running brothel with the consent of the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. The applicant has placed on record Leave and License Agreement in relation to lodge in question. There are no minor victims. Nothing is to be recovered from the present applicant, therefore, his custodial interrogation is not necessary. Considering the facts and circumstances and as there are no other criminal antecedents, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- (i) The Application is allowed.
- (ii) In the event of arrest of the applicant in C.R. No. 851 of 2022 registered at Yawat Police Station, Pune Rural for the offences punishable under Sections 370(3) of the IPC and under Sections 3, 4, 5 and 8 of the P.I.T.A. Act, he shall be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

[N.R.BORKAR, J.]