

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3332 OF 2022

Prabhakar D. Shetti ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. Rahul B. Kadu for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 05.12.2022.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure 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 Sections 3, 4, 5, & 8 of the Immoral Traffic (Prevention) Act, 1956.
3. It is the case of the prosecution that on 12 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 the brothel there.
4. I have heard the learned counsel for the applicant and the learned APP for the State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. 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 of co-accused Keerthish Hegde, he had disclosed that he was running the brothel alongwith the present applicant. It is submitted that considering the nature of offence and as there are three more criminal cases of similar nature, the applicant may not be released on anticipatory bail.

7. I have perused the statements of victims. They have not made any allegation against the present applicant. All the allegations are against the co-accused Keertish Hegde. The learned counsel for the applicant has placed on record Leave and License Agreement in relation to lodge in question. It appears that the present applicant is not a party to the said agreement. Considering the facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

(i) 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 Sections 3, 4, 5, & 8 of the Immoral Traffic (Prevention) Act, 1956, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall not stay in Pune district till conclusion of trial. He is, however, permitted to enter into the limits of Pune district only for attending the dates before the trial Court.

(iv) The applicant shall furnish his residential address, where is going to reside and his mobile number, if any, to Yawat police station.

[N.R.BORKAR, J.]