

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application No. 788 of 2022

Pravin S/o Munnalal @ Mannulal Shriwas

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Sadar, Nagpur City

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R.Prasad, Advocate for the applicant.

Shri N.R.Rode, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 13th DECEMBER, 2022.

The applicant is seeking bail under Section 438 of the Code of Criminal Procedure in Crime No. 299 of 2022 registered with Police Station Sadar, Tahsil Dist. Nagpur (City) for the offence punishable under Section 370 of Indian Penal Code and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956.

2. The allegation against the applicant in this crime is that he involved in the offence of immoral trafficking. The statement of the learned counsel for the applicant that he was not named in the First Information Report and there is nothing to show that he

is involved in the alleged offence, cannot be accepted for the reason that after going through the case diary, it is revealed that in the statement of the victim under Section 164 of the Code of Criminal Procedure, she attributed the role to the applicant which *prima facie* connects the applicant with the alleged offence.

3. Further during the investigation it was revealed that the applicant transferred the amount in the account of co-accused Shri Kolhe. Further it has come in the investigation that the applicant is closely associated with the main accused Sharda @ Dolly.

4. Learned counsel for the applicant has placed reliance of the order dated 19th May, 2022 passed by Hon'ble Supreme Court of India in the case of *Budhadev Karmaskar Vs. The State of West Bengal and others* passed in Criminal Appeal No(s). 135 of 2010, wherein, the Hon'ble Supreme Court has held that voluntary sex work is not illegal. Learned counsel for the applicant therefore submits that the victim is 25 years old and she is having two children and she was doing the said work with consent and therefore no offence is attract.

5. This argument cannot be accepted for the reason that the Hon'ble Supreme Court has further

observed in the said judgment that, running the brothels is unlawful.

6. Considering the allegations against the applicant and the material collected by the Investigating Office, *prima facie* it connects the applicant with the alleged unlawful activity. In the circumstances, I do not find this case as a fit case for grant of anticipatory bail. Accordingly, it is rejected.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
SACHINDANAND
K NAIR
Date: 2022.12.14
14:43:42 +0530