

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1269 OF 2023

Nanasaheb s/o Tanaji Pawar

Applicant

Versus

The Superintendent of Police & another

Respondents

Mr. S. S. Gangakhedkar, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 027/2023 registered with Osmanabad Rural Police Station, Tq. & Dist. Osmanabad for the offences punishable under Section 370, 370-A(2) read with Section 34 of Indian Penal Code and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act.

2. First Information Report shows that on 14th February, 2023 a raid was conducted at Mayuresh Hotel Lodge & Bar. Secret information was received about prostitution being carried out at the place. During the raid, incriminating articles were seized. It was also found that one Ranjit Bhosle was present at the spot. Present

applicant is the owner of the premises and hence he is arrayed as accused.

3. Learned counsel for applicant submits that there is no denial of the fact that the applicant is the owner of the said premises. However, said premises was let out under an agreement for the period from 6th September, 2022 to 5th September, 2024. It is submitted that except for this, there is no evidence to show that the applicant is living on the earning from prostitution in order to attract any offence against him.

4. Learned APP opposed the application by referring to the First Information Report as well as investigation papers. According to her, since applicant is the owner of the premises he owes responsibility to ensure that no illegalities are committed from his property.

5. Even if it is accepted that applicant is the owner of the premises wherein alleged activities were carried out, in view of the agreement between him and the person who used to conduct said activities indicates that there is no direct evidence against him.

Unless there is prima facie evidence to show that applicant is living on the earning of the prostitution, alleged offence would not attract against him. Nothing is to be recovered at the instance of the applicant. There is no criminal antecedent against him. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb