

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO.1571 OF 2023

PANDIT BALIRAM TONGALE AND
SAMBHAJI EKNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. M.R. Deshmukh
APP for Respondent : Mrs P.V. Diggikar

...
CORAM : S. G. CHAPALGAONKAR, J.
Dated: September 13, 2023

...

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.173 of 2023 registered with Bhusawal police station, Tq. Bhusawal, District Jalgaon for the offences punishable under sections 370 of the Indian Penal Code and under section 3,4, 5 and 7 of Immoral Traffic Prevention Act.

2. Investigation was set in motion on the basis of the complaint lodged by police officer namely Rupali Chavan. It is alleged that on receipt of the secret information that the owner of Rajwada Hotel is running a brothel for economic gain, raid was arranged with aid of two panchas and police staff under the supervision of Dy. S.P. Satish Kulkarni. During raid, in hotel room nos.103 and 104 ladies were found. All these ladies have stated that on calls from the Manager and owner of the hotel, they are providing sexual services to the customers and receiving the amounts. In pursuance of the aforesaid offence, the applicant has been arrested and he is behind bar since

13.8.2023. His plea for grant of bail has been rejected by the Sessions Court, Bhusawal. Hence, this application.

3. Mr. Deshmukh, learned advocate appearing for the applicant would submit that allegations in the FIR would show that accused no.3 is the owner of the hotel. There was rent agreement between the owner of the hotel and accused no.3. He would submit that the applicant has been falsely implicated showing him as a Manager of the Hotel. By inviting attention of this Court to the contents of the FIR, he would submit that all the ladies are major and they state that they are voluntarily in the prostitution. He, therefore, would submit that at the most allegations against the applicant may constitute an offence under section 3 of the Immoral Traffic Prevention Act (for short said Act). He would further submit that further detention of the applicant would not be necessary. He would submit that there are no criminal antecedents against the applicant.

4. Learned A.P.P. strongly opposes the application. She would submit that the applicant is found to be actively participated in running brothel. She would submit that offences under sections 3, 4, and 5 would attract against the applicant. She would point out that two currency notes of denomination of Rs.200/- are seized during the raid from drawer of the applicant, which is sufficient to show his active participation as well as work as commission against the prostitution. She would therefore urge that the application be rejected.

aaa/-

5. Having considered the submissions advanced, apparently, allegations in the F.I.R. hardly brings into picture the offence under section 3 of the said Act act as against the applicant as he is shown to be the Manager. Apparently, the ladies, who were found during raid are major and they are voluntarily providing sexual services to the customers. It is not case of any forcible act by which those ladies were brought to the brothel and put to the prostitution. The applicant has been arrested on 13.8.2023. Learned APP fairly conceded that there are no criminal antecedents against the applicant. Investigation in the matter is fairly progressed. Further detention of the applicant may not be benefited. To secure the interest of the prosecution, some conditions can be imposed. As such, case is made out for grant of bail. Hence, the order.

ORDER

- i. Criminal Bail Application is hereby allowed.
- ii. The applicants no.1]- Pandit Baliram Tongale and no.2]- Sambhaji Eknath Patil be released on bail in connection with Crime No.173 of 2023 registered with Bhusawal Taluka police station, Tq. Bhusawal, District Jalgaon for the offences punishable under sections 370 of the Indian Penal Code and sections 3,4, 5 and 7 of Immoral Traffic Prevention Act on furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), each on the following conditions :-

- a] The applicants shall attend the concerned police station once in a week i.e. on every Wednesday between 10 am to 2 pm, till filing of the charge-sheet.
 - b] The applicants shall not tamper with the prosecution evidence.
 - c] The applicants shall not indulge into similar offence.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

...