

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1501 OF 2023

Suresh Barku Sonawane ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. M. R. Deshmukh, Advocate for the Applicant.

Mr. S. P. Sonpawale, APP, for the Respondent – State.

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 26, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 173 of 2023 registered with Bhusawal Taluka Police Station, Dist. Jalgaon for the offences punishable under Sections 370 of the Indian Penal Code and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act.

2. Raid was conducted on 30.08.2023 at hotel Rajwada owned by present Applicant. It was found that the prostitution business is being carried out in the said hotel. The other particulars are given as to what was found there when the said raid was conducted. The

name of the Applicant appears in the FIR as he is the owner of the said premises.

3. Learned Counsel for the Applicant submits that though he is the owner of the premises, the said premises has been let out to accused nos. 1 and 2 on 17.11.2022 and the document to that effect has been executed in presence of notary. It is submitted that the Applicant is resident of Thane and this is the reason that he has let out the premises for conducting the business. It is his contention that there is nothing on record to show Applicant is living on the earning from the business of prostitution. Thus, according to him, no offence is made out against him.

4. Learned APP opposed the application by referring to the documents indicating ownership of the Applicant in respect of premises in question as well as hotel in the name and style as Rajgad being conducted by the Applicant. Thus, according to him, there is nexus of the Applicant with the crime in question.

5. Except for the fact that the Applicant is the

owner of premises raided by the police, there is absolutely no material on record to indicate his involvement in the crime. There is no statement on record which indicates that the Applicant was the person who used to receive earning from the said prostitution business.

6. Having regard to these facts, liberty of the Applicant deserves to be protected. Applicant is clear criminal history and not likely to abscond. Application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with with C.R. No. 173 of 2023 registered with Bhusawal Taluka Police Station, Dist. Jalgaon for the offences punishable under Sections 370 of the Indian Penal Code and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the
investigating agency for further
investigation.

(R.M. JOSHI, J.)

Malani