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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2073/2022

MADHUKAR S/O. TRYAMBAK BELBHANDARE
& ANR.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. S. G. Kudle for the applicant.
Mr. S. H. Yadav, APP for State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned
APP for the State.

2. This is an application for pre-arrest bail in respect of
First Information Report (FIR) No.0656/2021 registered with
Vijapurnaka Police Station, for the offences punishable
under Sections 3, 4, 5, 6, 7 of the Immoral Traffic
(Prevention) Act, 1956 read with Section 370(A)(2) of the
Indian Penal Code.

3. The order dated August 1, 2022 passed by this Court
reads thus: -

“1. Heard learned Counsel for the applicants for some time.

2. Though it is the case of the Investigating Agency that the applicants have knowingly rented their flat for running brothel to one Supriya Balika, their names are not figured in the First Information Report, as on today.

3. Although learned A.P.P submits that notice under section 41 of the Code of Criminal Procedure is issued, there is no proof of acknowledgment of service of notice. The F.I.R is under sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 r/w section 370 (A) (2) of the Indian Penal Code.

4. Learned A.P.P submits that the Investigating Officer does not wish to arrest the applicants, provided they co-operate. Learned Counsel, on instructions, submits that the applicants would co- operate with the Police. Statements are accepted.

5. Issue notice to the respondents returnable on 29th August, 2022.”

4. As per the communication dated October 2, 2022 of the investigating officer, the applicants have co-operated with the investigation and the charge-sheet has already been filed. The notice under Section 41A of the Code of Criminal Procedure was issued.

5. In this view of the matter, the custodial interrogation of the applicants is not required. Hence the application deserves to be allowed by passing the following order.

ORDER

- (a) The application is allowed.
 - (b) In the event of arrest in connection with 0656/2021 registered with Vijapurnaka Police Station, the applicants-Madhukar s/o. Tryambak Belbhandare and Sudhakar s/o. Trimbak Belbhandare shall be released on bail on furnishing P.R. Bonds to the extent of Rs.15,000/- each with one or more sureties in the like amount.
 - (c) The applicants to attend the trial regularly.
 - (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
 - (e) The applicants shall furnish the details of their residential addresses and phone numbers to the investigating officer.
- 6.** The application is disposed of.

(M. S. KARNIK, J.)