

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1209 OF 2022**

Keshav Narayan Chapagai ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satheesh K.R. for the Applicant.

Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 18 APRIL 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 138 of 2021 registered at Chaturshrungi Police Station, for the offences punishable under Sections 370 r/w. 34 of Indian Penal Code and Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1986.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, pursuant to secret information on 5 March 2021, Hotel The Grand Inn at Baner, Pune was raided and the

present applicant and the other co-accused were found to be running brothel there.

5. I have perused the statement of victims recorded under Section 164 of Cr.P.C. They have not attributed any overt act to the present applicant.

6. The learned APP submits that victims in their statement under Section 161 of Cr.P.C. have stated that the present applicant was compelling them to indulge in prostitution activity. However, considering the fact that victims, who are major, have not attributed any overt act to the applicant in their statement under Section 164 of Cr.P.C. and therefore, I am inclined to grant him anticipatory bail. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Keshav Narayan Chapagai in Crime No. 138 of 2021 registered at Chaturshrungi Police Station, for the offences punishable under Sections 370 r/w. 34 of Indian Penal Code and Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1986, he shall be released on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the investigating officer for the purpose of investigation till filing of the charge-sheet and thereafter, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(iv) The prosecution is at liberty to file application for cancellation of bail if the aforesaid condition is breached or if the applicant commits any other offence.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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