

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

ANTICIPATORY BAIL APPLICATION NO.1345 OF 2023

Banti Ramrao Rathod ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms Racheeta Dhuru i/b. Mr. Sandesh More for the Applicant.

Mr. R.M. Pethe, APP for the Respondent -State.

Mr. S.A. Pharande, PSI, Juhu Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 4th MAY, 2023.

P. C. :-

1. Learned counsel for the Applicant has placed on record copy of order dated 27/4/2023 passed by the Sessions Judge. The same is taken on record.

2. The Applicant apprehends his arrest in Crime No.267 of 2023 registered with Juhu Police Station, Mumbai, for the offences punishable under Section 370(3) of the IPC and Sections 3, 4, 5 and 7 of the Immoral Traffic Prevention Act, 1956.

3. Heard Ms Racheeta Dhuru, learned counsel for the

Applicant and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The records prima facie reveal that the Applicant herein has entered into a leave and license agreement with United White Metal Limited whereunder he has taken the premises being Flat No.401, situated at fourth floor, Damini Building, on leave and license basis for residential purpose. The concerned police had received information that the Applicant and others were running prostitution business in the said premises under the pretext of running a Spa by name Casline Spa. The police team alongwith pancha effected raid on 14/03/2023. A dummy customer was sent to the said parlour with cash of Rs.5,000/- and the serial numbers of the said notes were noted. It is stated that the said amount was accepted from the dummy customer and the co-accused agreed to provide girls for the purpose of prostitution and showed him 5 women and asked him to choose one of them. The dummy customer gave pre-determined signal and the police team entered the massage parlour.

5. The statements of the women, who are engaged in the

business of prostitution were recorded. The statements of the witnesses prima facie reveal that they were working as beautician on payment of monthly salary of Rs.12,000/-. They claim that in the month of January-2023 co-accused told them that in case they needed commission, they have to indulge in prostitution and satisfy the customers. They claim that they had refused to do the prostitution business. They have made specific allegation against the Applicant for forcing them into the prostitution. Their statements further reveal that the Applicant and co-accused were living on the earnings of prostitution.

6. The material on record prima facie reveals that though the Applicant had taken the premises for residential purpose, he was running a Spa in the said premises wherein girls were subjected to prostitution under the pretext of running a Spa. Learned counsel for the Applicant is unable to state whether the Applicant had taken any license or permission to use the said residential premises to run the Spa. The statements of the victims prima facie show the involvement of the Applicant in commission of the said crime. These girls, who were in need of employment and source of income were forced in the prostitution and exploited by the accused.

7. Considering the gravity of the accusations and the material in support thereof, in my considered view this is not a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)