

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

ANTICIPATORY BAIL APPLICATION NO. 1905 OF 2023

Banti Ramrao Rathod

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Srinivas Bobde a/w. Sandesh More and Nikhil Kamble for the Applicant.

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1428 OF 2023**

Pooja Tarachand Jatoliya

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Prablin Singh Abrol for the Applicant.

Mr. S.V.Gavand, APP for the State in both matters.
PSI Pharande from Juhu Police Station.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 18th JULY, 2023.**

P.C.

1. By these applications under Section 438 Cr.P.C. the applicants seek pre-arrest bail, apprehending their arrest in C.R.No.267 of 2023 registered at Juhu Police Station, Mumbai, for offences punishable under Section 370(3) of the Indian Penal Code and Section 3, 4, 5 and 7 of the Immoral Traffic Prevention Act, 1956.

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2. Heard Mr. Shrinivas Bobde, learned Counsel for the Applicant, in ABA/1905/2023, Mr. Singh, learned Counsel for the Applicant in ABA/1428/2023, and Mr. Gawand, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The records prima facie reveal that the Applicant Banti Rathod is a licensee of Flat No. 401 situated on the fourth floor, Damini Building, wherein he is running a Spa by name Caselina Spa. The Applicant Pooja was working as a Manager in the said Spa. The police received information that prostitution activities were being conducted in the said premises under the guise of providing spa services. The police identified panchas and decoy customer. The decoy was given cash of Rs.5000/- after noting down the serial number of the notes and he was sent to the spa. He enquired about availability of girls for sexual services. He was shown five girls and asked to choose one of them. He made the payment and gave the pre-determined signal. The police raided the premises, rescued the women who were allegedly forced into prostitution, and arrested the applicants and the other co-accused. The statements of the rescued women were recorded. They claimed that they were employed as beauticians, but were forced to provide sexual favours to willing customers, on payment of commission. These victims

further claimed that the applicants and the co-accused were living on the earnings of prostitution.

4. The previous application for pre-arrest bail being ABA/1345/2022 filed by applicant Bunti Rathod was dismissed on 4.5.2023 in view of the specific allegations made by the rescued women against the applicant and others. Mr Bobde, learned Counsel for the applicant submits that subsequent to the said order the learned Metropolitan Magistrate conducted an inquiry and passed an order dated 8.5.2023 under Section 17 of the Immoral Traffic Prevention Act, 1956. Copy of the said order is placed on record at Exhibit C. A perusal of the said order reveals that the rescued women/ victims, who were allegedly forced into prostitution have denied that they were forced into prostitution. In view of these subsequent statements of the victims categorically stating that they were not forced into prostitution by any of these Applicants, the Applicant has filed the second bail application.

5. As stated earlier, the previous bail application was rejected in view of the statements of the victims, who have now changed their version. The subsequent bail application is filed in view of this change in circumstances. Considering, the statements made by the victims before the learned Magistrate, in my considered view, the Applicants are entitled for pre-arrest bail. Hence the Applications are allowed on the

following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.C.R.No.267 of 2023 registered at Juhu Police Station, Mumbai, the Applicants be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.
- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)