

**JYOTI
RAJESH
MANE**

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1737 OF 2023**

Dinesh Subbaya Amin	Vs.	...Applicant
The State Of Maharashtra And Anr		
(At the instance of Kashmirara Police Station)		...Respondent

Mr. Amardeep Ramesh Bhattacharya a/w. Mr.Gaurav Gavkar for
Bhattacharya & Associates for the Applicant.
Mr. H.J. Dedhia APP for the State/Respondent.
PSI S.S.Sable for Kashmirara Police Station present.

CORAM : S. M. MODAK, J.

DATED : 30TH JUNE 2023

P. C. :

1. Heard. Learned counsel for the Applicant and learned APP for the State and Investigation officer from Kashmirara Police Station is present. Chargesheet is filed by the police in CR No. 209/2023 for the offences punishable under Section 370, r/w. 34 of IPC and under Sections 3,4,5 & 7 Prevention of the Immoral Traffic Act, 1956. A raid has been conducted in the premises of the 'Status and Spa Family Saloon' is run at that premises. This premises is owned by the present applicant whereas he allowed one Sanjay Jawahir Sharma to run a Spa and Family Saloon in that premises.

There is a leave and license agreement executed in between those parties. It is on page 49. The duration of that agreement is from 01/04/2022 to 31/03/2025.

3. At the time of raid accused Pradip Rajoriya and accused Chhotukumar @ Lokesh Yadav were found at the premises. Police found few ladies in cabinets made in that premises. After raid they have seized certain articles. They realised that the premises is being run for prostitution business.

4. Even though it is true that the present applicant is owner of the premises and even though it is disclosed that prostitution business was being carried out in the said premises, the prosecution is unable to state any material showing involvement of the present applicant in those businesses. Except ownership nothing is pointed out to show that either he has received benefits from the prostitution business or he has arranged for the services of the customers and that there is conversation in between him and those accused intersay for the prostitution business.

5. If it is so then his custodial interrogation is not required but the purpose can be served by imposing certain conditions.

6. Learned APP submitted that the agreement with Sanjay Sharma was discontinued and now there is an agreement between applicant Dinesh and arrested accused Sheetal Koli. No material is pointed out to that effect. Hence, I am inclined to grant anticipatory bail to the Applicant. Hence, order :-

ORDER

- (i) In case of an arrest in connection with C.R. No. 209 of 2023 registered with Kashmiri Police Station – for the offences punishable under Section 370, r/w. 34 of IPC and under Sections 3,4,5 & 7 Prevention of the Immoral Traffic Act, 1956 of IPC, the Applicant – Dinesh Subbaya Amin be released on furnishing personal bond and surety bond of Rs.25,000/-.
- (ii) Applicant is directed to attend the Kashmiri Police Station – on Monday and Thursday from 03.00 to 05.00 noon until filing of charge-sheet.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

5. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.

6. Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]