

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

ANTICIPATORY BAIL APPLICATION NO. 2057 OF 2023

Heena Saeed Qureshi ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Sanjay Singh – Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent – State.

Mr.Vinayak Jadhav – API – Nayanagar Police Station.

CORAM : S. M. MODAK, J.

DATED : 10TH AUGUST 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP. The Investigating Officer is present.

2. The present Applicant is a licensor of the premises bearing Shop No.1, A-6, Sector-5, New Shantinagar Miraroad (East). She has licensed those premises to one Amira Mohammed Parvez Shaikh. Wheres, arrested Accused Shri.Tausif Khan is the husband of said Amira.

3. The Applicant claims that she has advanced Rs.2,00,000/- to Mrs.Amira by way of friendly loan and the said Amira is handed over

Satish Sangar

the business of beauty parlor being carried out at that premises.

4. Soft Touch Spa business is being carried on at that premises when the party of Anti Trafficking Cell and member of Rescue Foundation have visited the premises. On 22nd February, 2023, they found few of the ladies and minor girl found there offering the services of massage and other services to male members. They were found. Panchnama was prepared, formalities were completed and FIR came to be lodged at Nayanagar Police Station on 23rd February, 2023 under Sections 366-A, 370-A, 370-A(2), 372 read with 34 of Indian Penal Code, 1860 [“IPC”], under Sections 3, 4 of the Immoral Traffic (Prevention) Act, 1956 [“PITA”] as well as under Sections 17 and 18 of the Protection of Children from Sexual Offences Act, 2012 [“POCSO Act”]. Two persons came to be arrested. One is Tausif Khan who looks after the said business and one Gopalkumar – the sweeper.

5. Charge-sheet is filed against them. The statements of the victims are recorded. The present Applicant is shown as an absconding Accused.

6. Number of contentions are raised including that the Applicant except as licensor of the premises, is nowhere concerned with that

business. The receipt for advancing Rs.2,00,000/- is on Page No.227.

The Applicant has agreed not to interfere in the said business.

7. It is contended that not a single penny is transferred to her Bank account and she had never visited those premises. Whereas, learned APP invited my attention to the statement of the victim. She has explained how the services are offered and how the money is distributed. Part of the money is also paid to the present Applicant. Learned APP also submitted that the present Applicant has helped the arrested Accused by obtaining all the permissions. If she is not concerned with the business, why she has applied to various Government Authorities.

8. Learned Advocate for the Applicant invited my attention to a statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 ["Cr.PC."]. She has reiterated how the services are offered to male customers. This is not a stage to decide what is the variance in between the statement under Section 161 and 164 of Cr.PC. The Applicant is the licensor of those premises wherein the activities against the law are carried out. She cannot disown the responsibility.

9. No case for anticipatory bail is made out. All the contentions

raised can be dealt with while hearing the Bail Application. When *prima facie* involvement is there, discretionary relief cannot be exercised in her favour. Hence, Application is rejected.

10. These are my *prima facie* observations.
11. With the above observations, Application is disposed of.
12. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]