



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

ANTICIPATORY BAIL APPLICATION NO. 2656 OF 2023

Shivram Raju Shetty ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Shambhu Jha, a/w Suraj Pandey, for the Applicant.

Mrs. Geeta Mulekar, for the State/Respondent.

PSI S. B. Bhosale, Kashmirira Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 5th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.306/2017, registered with Kashmirira Police Station, Thane Rural, for the offences punishable under Sections 370(3) read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Sections 3, 4 and 5 of The Immoral Traffic (Prevention) Act, 1956.

3. The applicant is alleged to be the owner of the premises wherein a raid was conducted on 24th June, 2017 and few victims were found involved in flesh trade. The applicant was

allegedly allowing the premises to be used as a brothel and living on the earnings of prostitution.

4. The learned Counsel for the applicant submitted that on the date of occurrence the Manager of the lodge and two persons were apprehend on the spot. The Investigating Officer did not seek to implicate the applicant. In the intervening period, he had appeared before the Investigating Officer.

5. The learned APP, on the other hand, submitted that the applicant appeared to be habitual offender. Two crimes being CR No.214 of 2015, for the offences punishable under Sections 294, 114, 109 read with Section 34, and CR No.24 of 2011, for an offence punishable under Section 294 of the Penal Code, were registered against the applicant.

6. Evidently, the incident had occurred in the year 2017. No effort seems to have been made to arrest the applicant. At this length of time, custodial interrogation of the applicant does not seem warranted for an effective investigation. The applicant appears to have roots in society. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

7. Hence, the following order.

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.306/2017, registered with Kashimira Police Station, Thane Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Kashimira Police Station on 16th 17th and 18th October, 2023 in between 10.00 am. to 1.00 pm.
- (iii) The applicant shall not indulge in the activities identical to the one for which he has been arraigned in this case.
- (iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]