

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

ANTICIPATORY BAIL APPLICATION NO.3617 OF 2022

Shri Sudhir Charak ..Applicant
VS.

The State of Maharashtra ..Respondent

Mr. Ganesh Gole a/w Mr. R.D. Suryawanshi, Roshan Mule i/b
Surya Nadar for the Applicant.

Ms. A. A. Takalkar, APP for the State.

I.O. Mrs. Gaikwad, PI i/b B.V. Gaonkar, PSI, Amboli Police
Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP.

2. This is an application for pre-arrest bail. The
applicant is apprehending arrest in connection with C.R.
No.881 of 2022 dated 08/11/2022 registered with Amboli
Police Station for offence punishable under sections 370(3),
34 of the Indian Penal Code, 1860 and under sections 3, 4,
5 of the Immoral Traffic Prevention Act, 1956.

3. The co-accused -Masuk, the Manager of the Spa

where the raid was conducted, was released on bail. It is alleged that the applicant was a tenant in respect of the premises where the Spa was located. At the time of raid, the applicant was not present. When the raid was conducted, 4 victims were found in the Spa who are alleged to be engaged in prostitution. It is alleged that the applicant is involved and statement of the Manager is relied upon by learned APP to demonstrate that these activities were conducted at the behest of the applicant.

4. My attention is invited to the enquiry conducted by the learned Metropolitan Magistrate of 15th Court, Mazgaon under section 17 of the Immoral Traffic (Prevention) Act, 1956. In the said enquiry, statement of 4 victims are recorded to the effect that they are not in flesh trade and that they were only working in the said Spa.

5. Learned APP relied upon the materials on record to demonstrate that customers had in fact transferred monies to the account of the victims. I am informed that Spa is closed. Learned Magistrate has recorded during the course of the enquiry, whether the victims were constrained and

forced to do prostitution. The Magistrate records that no such fact is disclosed by the victims. There are no criminal antecedents recorded against the applicant. Considering the nature of the allegations and the materials on record, the custodial interrogation of the applicant is not required. Hence, the following order.

ORDER

(a) In the event of arrest of the applicant in connection with C.R No. 881/2022 dated 08/11/2022 registered with Amboli Police Station, the applicant- Mr. Sudhir Charak S/o Satpal Singh Charak be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(c) The applicant to appear before the Investigating Officer on 17/01/2023, 18/01/2023 and 19/01/2023 between 11.00 a.m. and 3.00

p.m. thereafter as and when called. The applicant to co-operate with the investigation and

(d) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

6. The application is disposed of.

(M. S. KARNIK, J.)