



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

40 BAIL APPLICATION NO. 53 OF 2024

NITIN ROHIDAS SHERKHANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. P. R. Katneshwarkar.
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.352 of 2023, registered at Osmanabad Rural Police Station, District Osmanabad, for the offences punishable under Sections 370 and 370-A(2) read with 34 of the Indian Penal Code and under Sections 3, 4 and 5 of the Immoral Traffic Prevention Act.

3 It is averred in the report that prostitution business was running in Nisarga Garwa Lodge on Dharashiv to Tuljapur road. Two *Panchas* and dummy punter were called and raid was effected. Some contraband articles and an amount of Rs.2500/- was found, which was seized. Accordingly, report was lodged against the co-accused. It is

alleged that the applicant is owner of that hotel, which he has given on rent of Rs.70,000/- per month by executing agreement to that effect.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. He is only owner of the said hotel, which he has given on rent to main accused Dilip Ramdas Adsule. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application. He submitted that the applicant is involved in serious and antisocial crime. The investigating is not yet over. It is lastly prayed to reject the application.

6 Perused the papers of investigation. The statements of witnesses are recorded. Spot *Panchanama* is drawn. Incriminating articles are seized under the seizure *Panchanama*. Practical investigation is over. The agreement of lease executed between Dilip Ramdas Adsule and this applicant dated 20th September, 2022 shows that the said hotel was given on rent by this applicant to Dilip Adsule and rent amount was Rs.70,000/- per month. Considering all these aspects and that the applicant has no criminal antecedents, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.352 of 2023, registered at Osmanabad Rural Police Station, District Osmanabad, for the offences punishable under Sections 370 and 370-A(2) read with 34 of the Indian Penal Code and under Sections 3, 4 and 5 of the Immoral Traffic Prevention Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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