



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO. 584 OF 2024

Rani W/o Balbhim Pathare

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondents: Mrs. P.V. Diggikar

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CORAM : SHIVKUMAR DIGE, J.

DATED : 30th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.288 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offences punishable under Sections 370 of the Indian Penal Code and under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act.

2. It is the prosecution's case that the police received a secret information that the prostitution is going on at Hotel Prashant, Shrigonda. Accordingly, the police had raided the said hotel with police team. In the raid, the police found that the prostitution was going on. The police arrested co-accused alongwith six ladies and three customers. It is alleged that the applicant is the owner of the said hotel.

3. It is the contention of the learned counsel for the applicant that the applicant is falsely implicated in this case. Before three days of the raid, she had given the said hotel on rent by executing leave and licence agreement in favour of the co-accused Sachin Wable. The applicant had no knowledge that the prostitution was going on in the said hotel. Considering the allegations against the applicant, her custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant is the owner of the hotel where the prostitution was going on. She had knowledge that the said prostitution activities were going on in the said hotel. As per the provisions of PITA Act, owner is liable for the prostitution in his/her premises. Considering the allegations against the applicant, her custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It appears from the record that the agreement is executed between the applicant and the co-accused No.2 Sachin Wable on 13.3.2024. The said agreement is registered with the Registrar's office, Shrigonda and after three days

of execution of the said agreement, the police raided on the said hotel. The contention that the applicant had knowledge about the said activities prior to three days cannot be accepted. Considering this fact, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 15.04.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/