



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

941 ANTICIPATORY BAIL APPLICATION NO. 668 OF 2024

Sunil Nanabhau Pathare

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. N.B. Narwade

APP for Respondents: Ms. V.S. Chaudhari

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**CORAM : SHIVKUMAR DIGE, J.**  
**DATED : 21<sup>st</sup> JUNE, 2024.**

**PER COURT :-**

1. The applicant apprehends arrest in connection with crime No.290 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offence punishable under sections 3,4, 5 and 7 of Immoral Trafficking (Prevention) Act and Section 370 of the I.P.C.

2. It is the prosecution's case that Shrigonda police had received a secret information about illegal prostitution business hence, the police raided the Supreme Lodge with dummy customers and panch witnesses and when the police took search of the lodge, they found six ladies in four rooms. The police arrested Mr. Kiran Jare to whom the applicant had given the lodge on leave and licence basis. It is alleged that the applicant is the owner of the lodge and he was aware that the prostitution business is going on in the said lodge.

3. It is the contention of the learned counsel for the applicant that the applicant had given the said hotel on leave and licence basis by agreement dated 12.6.2023. In the said agreement, there was a condition that the said lodge shall not be used to cause harassment to the neighbourhood people. The incident is happened on 15.3.2024 that is after eight months of execution of the leave and licence agreement. Mere the applicant was the owner of the lodge, his name has been mentioned in the F.I.R. The custodial interrogation of the applicant is not required as the police has seized all material from the lodge. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant is owner of the lodge where the prostitution business was going on. He was aware about the said business. As per the section 3(2) (b) of the Prevention of Immoral Trafficking Act 1956, owner is liable for the illegal business. The custodial interrogation of the applicant is required. Hence she 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. In the F.I.R. name of the applicant is not mentioned. Nor he was present at the spot of incident. The allegations against the applicant are that he is owner

of the lodge where the prostitution business was going on and he was aware that the prostitution was going on in the said lodge. The statements of witnesses are not recorded by the police to show that the applicant is aware that the prostitution was going on in the said lodge. It appears from the record that the applicant has executed leave and licence agreement in favour of Mr. Kiran Jare and Mr. Kiran Jare was in possession of the said lodge when the incident is happened. The police had arrested Mr. Kiran Jare. Considering the nature of allegations made against the applicant, the custodial interrogation of the applicant is not required. Hence, I pass the following order:-

### **ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with crime No.290 of 2024 registered with Shrigonda Police Station, district Ahmednagar, for the offence punishable under sections 3,4, 5 and 7 of Immoral Trafficking (Prevention) Act and Section 370 of the I.P.C. the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

**(SHIVKUMAR DIGE, J.)**

rlj/