



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1323 OF 2023

Ratnakar s/o Achutrao Shinde

...Applicant

VERSUS

The State of Maharashtra & Another

...Respondents

Mr. Nilesh Ghanekar, Advocate for applicant.

Mr. A.R. Kale, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

RESERVED ON : 13th FEBRUARY, 2024

PRONOUNCED ON: 20th FEBRUARY, 2024

ORDER :

1. This application is filed under Section 438 of Code of Criminal Procedure, in C.R. No. 401 of 2023, registered with Kaij Police Station, Dist. Beed, for offences punishable under sections 376(2)(f), 373, 370-A, 370(4)(5), 290, 188, 114, 120-B, 109 r/w. 34 of the Indian Penal Code, under section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, under sections 4, 6, 17, 18, 21 of Protection of Children from Sexual Offences Act, under sections 3, 4, 5, 6, 8, 9 of Immoral Traffic (Prevention) Act, under section 75 and 79 of Juvenile Justice Act, and under section 65(e) of Maharashtra Prohibition Act.

Bhagyawant Punde

2. PSI Anand Shinde lodged FIR stating that on receipt of secret information raid was conducted at *Mahalaxmi Kala Kendra*, situated at Umri, Taluka- Kaij, Dist. Beed, on 07.07.2023, at about 2.25 am. After entering *Mahalaxmi Kala Kendra* there were four different sitting rooms wherein various dance parties were going on, and girls were dancing in front of customers. In all 36 persons were arrested. During the raid, victims belonging to age group of 12 to 17 years were rescued. On inquiry with them it was learnt that victims were made to give sexual pleasure to customers in return of money. It was also found that victims were sent outside *Mahalaxmi Kala Kendra* to lodges and hotels for giving sexual pleasures/prostitution. Accordingly, some of accused persons were arrested on the spot. According to prosecution, applicant is a partner and owner of *Mahalaxmi Kala Kendra* along with Satvashila Andhare and applicant brought victims from various places under the pretext of dance party and compelled them to do prostitution. Applicant has received money from prostitution of minor victims.

3. Heard learned advocate for applicant and learned APP for respondent. Perused the record.

4. It is the case of applicant that he is innocent and he

is owner of hotel Yedeshwari Restaurant, which is situated next to *Mahalaxmi Kala Kendra*. He has given said hotel property to Satvashila Andhare on rental basis for business. Applicant is District Head of Uddhav Thakre Shivsena party and due to political rivalry he is implicated in the present crime. Applicant was not present on the spot at the time of raid. It is submitted that since charge sheet is filed in the present crime on 09.09.2023 and investigation is complete, custodial interrogation of applicant is not necessary and applicant deserves relief of anticipatory bail.

5. Learned APP by relying on investigation papers opposed the bail application. He submits that applicant is actively involved in the present crime as he is partner and owner of *Mahalaxmi Kala Kendra* with co-accused Satvashila Andhare and therefore, he does not deserve protection.

6. Perusal of charge sheet shows that applicant's Scorpio vehicle No. MH-23 Z 0707 and Innova vehicle No. MH-44 Y 7001 were found at *Mahalaxmi Kala Kendra* at the time of raid. Minor girls were made to perform dance and were made to indulge in prostitution by applicant who is partner in *Mahalaxmi Kala Kendra* along with co-accused Satvashila Andhare. Perusal

of statements of minor girls reveal that accused Satvashila Andhare and applicant forced them to indulge in prostitution for their financial gain. Out of four minor girls who were forced to indulge in prostitution three are belonging to Scheduled Caste and Scheduled Tribe. There are financial transactions between applicant and accused Satvashila Andhare. From her account an amount of Rs. 5,23,000/- was transferred in the account of applicant on 12.07.2022 and on 05.01.2023 an amount of Rs. 4,00,000/- was transferred. Applicant along with co-accused Satvashila Andhare had given order of idol of deity Tuljabhavani and Yedai, which were installed in *Mahalaxmi Kala Kendra* and applicant has given two cheques of Rs. 2,50,000/- each, towards payment of said idols.

7. From CDR of applicant's cell phone numbers i.e. 9142090707, 9421919122 and 9975028001, since last one year, during night time, location of applicant was found at *Mahalaxmi Kala Kendra*, Umri, Taluka- Kej, Dist. Beed. It is therefore clear that though applicant was aware about the fact that four girls found at *Mahalaxmi Kala Kendra* were minor, applicant has forced them to perform dance and subjected them to prostitution, so as to earn money.

8. It is transpired during the investigation that applicant was running a racket along with co-accused Satvashila Andhare. Both of them are absconding since registration of offence. Charge sheet against them is filed under section 299 of Cr.P.C. There is every likelihood that applicant will pressurize witnesses if he is released on anticipatory bail. Considering gravity of offence and complicity of applicant in the present crime, merely because charge sheet is filed, applicant does not deserve discretionary relief of anticipatory bail. Application is therefore rejected.

9. At this stage, learned advocate for applicant prays for continuation of interim protection granted to applicant on 11.08.2023. For the reasons stated in the order, prayer is rejected.

[NITIN B. SURYAWANSHI, J.]