IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1099 OF 2023

Santosh Vasudev Ghundare .... Applicant

versus

The State of Maharashtra .... Respondent

…....

- Mr. Satyavrat Joshi a/w Samay Pawar a/w Yash Fadtare a/w Disha Rathod i/b. Ashish S. Vernekar, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.354/2022, dated 03/12/2022, registered with Alandi Police Station, Pimpri-Chinchwad, under section 370(3) r/w 34 of the Indian Penal Code and under sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

2. Heard Mr. Satyavrat Joshi, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by Police Constable Karchunde, attached to Immoral Traffic Prevention Cell, Pimpri-Chinchwad. He has stated that on 02/12/2022, the Police Inspector Devendra Chavan called him and his colleagues and informed them that one Aftaf Shaikh was supplying girls for prostitution in different lodges at Alandi. The Police called one bogus customer by name Sachin Shinde. They arranged two Panchas. The bogus customer called the phone number of Aftaf Shaikh and fixed an appointment for girls. The accused Aftaf asked for Rs.3,000/- out of which Rs.1,000/- was to be sent through UPI. The police gave Rs.2,000/- in the form of four currency notes of Rs.500/-. Two Panchas were called. Preparation for conducting the raid was made. The raiding party went to the lodge near Ghundare Petrol Pump, Alandi, Pune. The bogus customer was sent to the lodge. He was asked to give a missed call as the pre-arranged signal. After some time, he gave such signal. The raiding party went to the lodge. One Sagar Patil was found at the counter. He directed the raiding party to Room No.3. They went there. There were two victims. They gave their details. The aforementioned currency notes were found at the counter

controlled by the accused Sagar. The victim told the police party that Sagar and Aftaf were taking Rs.3,000/- to Rs.4,000/- from the customers and used to pay Rs.500/- to the victims. Sagar, on further enquiry told the raiding party that they were carrying on these activities at the instance of the present Applicant and that they had to pay Rs.3,000/- every day to the Applicant. The money was paid online or some time in cash. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the lodge does not stand in his name, but it belongs to his father. The Applicant was not present at the time of conducting the raid. The victims have not named him. He is falsely implicated.

5. Learned APP produced investigation papers before me, which contain bank statement of the Applicant and the statement of co-accused Sagar as well as one of the victims. He submitted that there is sufficient material against the Applicant.

6. I have considered these submissions. The bank entries show that on 13/11/2022, 14/11/2022 and 15/11/2022 and on many other dates, the amount of Rs.3,200/- and Rs.6,000/- was transferred in the account of the present Applicant by the co-accused Sagar. This clearly corroborates Sagar's case that he had to pay Rs.3,000/- every day to the Applicant in connection with those activities. The statement of one of the victims shows that she was working in the kitchen of that lodge. Thus, the victims were exploited. There is direct connection of the present Applicant who has received money from Sagar in his account. It is reflected in his bank account. There is definite material against the Applicant. The offence is serious. The allegations are u/s 370(3) of the IPC.

7. Considering the gravity of the offence and sufficiency of material, the Applicant cannot be protected u/s 438 of Cr.P.C. The application is rejected.

(SARANG V. KOTWAL, J.)