

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1634 OF 2024

Akshay Vilas Mandhare

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Ranjeet M. Pawar, for Applicant.
- Mr. Babu V. Holambe Patil, APP for the State.

CORAM : MANISH PITALE, J.

DATE : 24th JUNE, 2024.

P. C. :

1. Heard Mr. Ranjeet Pawar, learned counsel for the applicant and Mr. Babu Holambe Patil, learned APP for the State.
2. The applicant is apprehending arrest in connection with First Information Report No.0509 of 2024, dated 17th May, 2024, registered at Police Station Yawat, Pune Rural, for the offences under Section 370(1) of the Indian Penal Code (IPC) and Sections 3, 4, 5 and 8 of the Immoral Trafficking (Prevention) Act, 1956 (PITA).
3. As per the FIR, on dummy customer being arranged by the police, co-accused No.1 on the date of incident i.e. 16th May, 2024, was found to be arranging for girls for prostitution. He was undertaking the said action in a lodge, which allegedly belongs to the applicant before this Court.

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4. The learned counsel for the applicant submits that the business of lodge is being run by the applicant as he has taken the premises on rent. The co-accused person is the manager of the lodge and the applicant before this Court is totally unaware about any such alleged activity being undertaken in the premises. It is submitted that even as per the FIR, the applicant was not present at the date and time of the incident. It is submitted that the applicant is also running a restaurant adjacent to the lodge and there is nothing to connect the applicant with the alleged activity.

5. The learned APP opposed the present application, submitting that the girl found at the time and place of the incident has specifically named the applicant along with the accused No.1 as the persons who were sharing the amounts paid by customers. The learned APP has also invited attention of this Court to Whatsapp chats and messages allegedly exchanged between the applicant and the co-accused No.1, during the course of investigation.

6. This Court has perused the aforesaid material. The statement of the girl found at the spot shows that, according to her, the applicant and the co-accused No.1 were involved in the aforesaid activity of prostitution and that they were allegedly sharing the amounts earned through the activity.

7. The Whatsapp messages that the police has been able to recover

from the mobile phone of the co-accused No.1 *prima facie* show that the applicant was consistently in touch with co-accused No.1. The material shows photographs of certain girls being forwarded to the co-accused No.1, allegedly at the behest of the applicant from his mobile phone. Such material is enough to convince this Court that the prayer for anticipatory bail made on behalf of the applicant cannot be granted.

8. The application is dismissed.

(MANISH PITALE, J.)