

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

Anticipatory Bail Application No.1763 of 2024

Ashok Devappa Poojary
Aged about 37 yrs, Occu-NIL
R/at-Haklu Mane, Vakkeri,
Badakere, Udupi,
Karnataka- 576224.

... Applicant

v/s.

The State of Maharashtra
(Central Police Station)

... Respondent

....

Mr Piyush Chhabria for the Applicant.
Ms Rajeshree Newton, APP for the Respondent/ State.
PSI DM Waghmare, Central Police Station, Thane, is present.

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**Coram : R.N. Laddha, J.
Date : 1 July 2024**

P.C. :

The applicant is apprehending his arrest in connection with CR No. 676 of 2024 registered with Central Police Station, Thane, accusing him of committing offences punishable under Sections 370 of the Indian Penal Code and 3, 4 and 5 of the Prevention of Immoral Trafficking Act, 1956 (for short 'the PITA').

2. The prosecution contends that after receiving confidential information regarding women being coerced into the sex trade for financial gain, a raid was conducted at Vrindavan lodge. During this period, the applicant was managing the affairs of the lodge under a

leave and license agreement. Following this, the informant filed a complaint, leading to the registration of the crime.

3. Mr Piyush Chhabria, the learned Counsel appearing for the applicant, asserts that the applicant is innocent and has been falsely implicated in the present crime. The applicant's name was absent from the FIR, and no victim has named him. Although CCTV cameras were installed in the lodge, the footage from the last six months upto the DVR's maximum storage capacity, does not show the applicant. Furthermore, the applicant neither received any payment from the lodged nor paid rent to the premise's owner for the past year and a half, indicating his lack of involvement in the alleged incident. Additionally, the alleged victims were adults with knowledge of the situation, and there are no allegations of the applicant forcing anyone into illegal activities. Co-accused Laxman Gauda has already been granted bail by the Sessions Court. Mr Piyush Chhabria contends that the applicant has been unfairly made a scapegoat, and custodial interrogation is unnecessary since nothing is to be recovered from the applicant.

4. On the other hand, Ms Rajeshree Newton, the learned APP representing the State, opposing the application, argued that the applicant's execution of a three year leave and license agreement commencing from 17.11.2021, demonstrates his awareness of the

activities within the lodge. The offence is of a serious nature, and the charge sheet has not yet been filed.

5. Upon perusing the records, it appears that the investigation is almost complete. The documents related to the crime, including the leave and license agreement, are already in the custody of the investigating agency. Notably, there is nothing on record indicating the applicant's presence at the time of the raid. Prima facie, there is no material suggesting that the applicant was aware of the alleged prostitution business conducted in the lodge. Apart from the leave and license agreement, nothing is on record indicating the applicant's knowledge of the alleged illegal activities. There appears no need for the custodial interrogation of the applicant. In view of the above, this Court is inclined to allow the present application. Hence, the following order.

(i) In the event of the applicant's arrest in CR No.676 of 2024 registered at Central Police Station, Thane, he be released on bail, on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any manner.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)