

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1835 OF 2024**

Mayur Rajesh Dev	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Arjun V. Lingalod for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. Suyog Waykar, API, Upnagar Police Station, District Nashik City.

**CORAM : MANISH PITALE, J.
DATE : 24th JULY, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0054 of 2024 dated 15.02.2024 registered at Police Station Upanagar, District Nashik City for offences under Sections 370 read with Section 34 of the Indian Penal Code, 1860 and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

3. There are three accused persons in the present case. The applicant is the owner of a spa, wherein the co-accused persons were associated with him as a manager and an associate. The allegation against the accused persons is that under the garb of running a beauty parlour/spa, they were undertaking the business of prostitution by engaging four victim girls.

4. The learned counsel for the applicant relied upon an order passed by the Magistrate concerning the four victim girls, wherein it is recorded that according to them, they were not induced, threatened or pressurized into carrying out any immoral activity at the place of the incident. The learned counsel for the applicant submits that the aforesaid statements of the victim girls clearly indicate that the ingredients of the alleged offences are not made out against the applicant. It is further submitted that the applicant was not present at the place of the incident and that therefore, this Court may consider allowing the present application.

5. On the other hand, the learned APP invited attention of this Court to the statements of the four victim girls recorded during the course of investigation. It is emphasized that the aforesaid statements bring out the roles of all the three accused persons, including the applicant before this Court as to the manner in which the activity of prostitution was being carried out in the beauty parlour/spa owned by the applicant. Attention of this Court was also invited to the statement of the owner of the premises with whom the applicant had entered into a leave and license agreement ostensibly for running a beauty parlour and in this backdrop, activity of prostitution was carried out, leading to serious offences against the applicant.

6. This Court has perused the material on record in the backdrop of the rival submissions. The statements of the victim girls recorded during the course of investigation, describe in graphic detail as to the manner in which they were asked to undertake such activity of entertaining male customers. It is specifically stated by the victim girls that they were facing financial

hardships and in that backdrop, when they approached the applicant and the manager of the spa for jobs in the beauty parlour/spa, they were asked to, not only carry out the activity of body massage of male customers, but also to indulge in prostitution. The statements are sufficiently clear to indicate involvement of the accused persons, including the applicant before this Court. Merely because chargesheet is filed, the applicant cannot claim any relief in the present application.

7. As regards the order passed by the Magistrate in the context of the victim girls, suffice it to say that the victim girls in the present case are the persons who have suffered at the hands of the accused persons due to their financial hardships and the order passed in their context cannot come to the aid of the applicant, particularly in the light of their specific statements recorded during the course of investigation. The role of the applicant and his involvement is *prima facie* made out in respect of serious offences registered against him and the other accused persons concerning trafficking of the victim girls and ensuring that they become part of the activity of prostitution.

8. In view of the above, the application is dismissed.

(MANISH PITALE, J)

Priya Kambli