

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

**Anticipatory Bail Application No. 2049 of 2024**

Jaya Jeevan Karki

Aged 65 years, Occ. Housewife,

R/at. Room No.A-6, 004,

Prathamesh Shantinagar Ltd.

Sector 2, Mira Road East, Thane.

...Applicant

Vs.

The State of Maharashtra

(At the instance of D. B. Marg Police Station

vide their C.R. No.324 of 2024)

...Respondent

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Mr Prabhanjay Dave, for the applicant.

Mr MG Patil, APP, for the respondent/ State.

PI Vilas Bhosale, DB Marg Police Station, is present.

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**Coram: R. N. Laddha, J.**

**Date: 24 July 2024**

**P.C.**

Heard Mr Prabhanjay Dave, the learned Counsel for the applicant and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.324 of 2024, registered at DB Marg Police Station, Mumbai, for the offences punishable under Sections 370 read with 34 of the Indian Penal Code ('IPC'), and Sections 3, 4, 5 and 7(1) (b) of the Immoral Traffic (Prevention) Act, 1956 ('the PITA Act').

3. The case of the prosecution is that on 3 June 2024, the police received information about alleged prostitution activities at the Raval Building near Canady Bridge, Mumbai. Acting upon this information, a trap, with the assistance of an undercover customer, was laid. During the operation, the police rescued three adult women and arrested co-accused Surendra Paswan. Following the raid, a crime was registered.

4. Mr Prabhanjay Dave, the learned Counsel appearing on behalf of the applicant, submits that during the raid, the applicant was not present at the spot and had no involvement in the alleged illegal activities on the premises. The applicant neither owns nor rents the property. The applicant's implication in this case is solely based on the co-accused's statement. The victim women found on the premises are of legal age and voluntarily engaged in the alleged prostitution. Additionally, the co-accused have already been granted bail.

5. Mr Prabhanjay Dave further argues that the learned Magistrate conducted an enquiry under Section 17 of the PITA Act after rescuing all the victim women. These women explicitly stated that they willingly participated in the sex trade, and they have been released. In these circumstances, Section 370 of IPC and Section 5 of the PITA Act are not applicable, while the other sections are bailable. The investigation is almost complete, and there is nothing to be recovered or discovered at the applicant's behest.

6. On the other hand, Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence

is serious and impacts society. While acknowledging that the investigation is nearly complete and nothing needs to be recovered from the applicant, he expresses reservations about granting bail due to concerns that the applicant may tamper with evidence or influence the witnesses.

7. Upon perusing the records, it appears that the applicant was not present at the location during the raid and neither owns nor rents the premises. The victims involved are adults who have willingly engaged in the alleged prostitution. The probation officer's report reveals that these women have involved themselves in the flesh trade without coercion or force. During the enquiry under Section 17 of the PITA Act, all the victims explicitly stated that they voluntarily engaged in sex work. The co-accused have already been enlarged on bail, and the rescued women are no longer in custody. There is nothing to be recovered or discovered at the applicant's instance. The investigation is on the verge of completion. The prosecution's apprehension about evidence tampering and witness influence can be addressed by imposing appropriate conditions. Given the above, the present application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.324 of 2024, registered at DB Marg Police Station, Mumbai, she shall be released on bail upon executing a PR bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

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

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

8. The application stands disposed of accordingly.

**(R. N. Laddha, J.)**