

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

ANTICIPATORY BAIL APPLICATION NO. 2540 OF 2024

Rohit @ Rohidas Narayan Kamble	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Vivek N. Arote for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Vijay Kolhe, PSI, Yavat Police Station.

**CORAM: MANISH PITALE, J.
DATE : 20th SEPTEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0762 of 2024 dated 29th July 2024 registered at Yavat Police Station, Dist. Pune, for offences under Sections 3(5) and 143 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3, 4, 5 and 8 of the Immoral Traffic (Prevention) Act, 1956 (PITA).

3. In this case, on receiving information that certain activity of prostitution was being undertaken, the Investigating Authority arranged for decoy customer and in that process, found the co-accused person at the spot of the incident, who was apprehended and he revealed that he was involved in the aforesaid activity at

the behest of the applicant herein. Accordingly, the names of the co-accused person as well the applicant were specifically stated in the FIR. The co-accused person was arrested, while the applicant applied for anticipatory bail before the Sessions Court, but the application was rejected.

4. The learned counsel for the applicant submits that in the present case, there is no material to link the applicant with the incident in question, other than the statement of the co-accused person. It is submitted that the Investigating Authority is relying upon documents revealed during the course of investigation that indicate certain payments made by the co-accused person to the applicant. There is nothing to indicate that such payments were made in proximity of the date of the incident. It is submitted that the victims in the present have also not named the applicant. It is further submitted that, at worst, a case under Section 4 of the PITA may be made out against the applicant, which pertains to living on the earnings of prostitution. Such an offence in the facts of the present case where the victims are not minors, is a bailable offence and hence, this Court may allow the present application, as the applicant undertakes to cooperate with the investigation.

5. On the other hand, the learned APP has vehemently opposed the present application. It is submitted that the Investigating Authority is not placing reliance only on the statement of the co-accused person. It is found during the course of investigation that substantial amounts were transferred by the co-accused person

through a payment App to the applicant and also to his bank account, as well as that of his wife. There is no explanation for such transfer of amounts. It is further submitted that the statement of landlord of the premises, where the activity of prostitution was undertaken, shows that although the premises were taken on rent in the name of the co-accused No.3, substantial amount of Rs.50,000/- was paid by the applicant to the said landlord. Such material does indicate the involvement of the applicant. The investigation is still at initial stages and no indulgence may be shown to the applicant.

6. It is to be noted that in the facts of the present case, serious offences have been registered against the applicant. It was on a tip-off that the Investigating Authority raided the premises where the activity of prostitution was being undertaken. The co-accused person named in the FIR was apprehended from the spot of the incident and he revealed the fact that the aforesaid activity was being undertaken on the instructions of the applicant.

7. The Investigating Authority, during the course of investigation, has found certain incriminating material against the applicant. Such as proof of transfer of substantial amounts by the co-accused to the applicant on a payment App, as also into the bank accounts of the applicant and his wife. This *prima facie* establishes link between the named co-accused person and the applicant. At this stage, there does not appear to be any explanation put-forth by the applicant, as regards receipt of such

payments on regular basis.

8. The fact that the applicant paid an amount of Rs.50,000/- to the landlord of the premises, where the activity of prostitution was being undertaken, further gives rise to a *prima facie* case against him, as regards involvement in serious offences registered under the BNS as well as PITA. The definition of trafficking of person as given under Section 143(1)(f) of the BNS, *prima facie* applies to the activity alleged to have been undertaken by the applicant.

9. No case is made out for granting anticipatory bail. The application is dismissed.

MANISH PITALE, J.