

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

Anticipatory Bail Application No. 2853 of 2024

Shiba Prasad Ghadai
Age 49, Occ.: Business,
R/o. Kusunnagar, Chadheya,
Barapada, Bhadrak,
Odisha – 756 113.

... Applicant

versus

The State of Maharashtra
Through Central Police Station,
Ulhasnagar – 3, Dist.: Thane.

... Respondent

Mr Mainak Adhikary i/b Mr Pintu Singh, for the applicant.
Mr Arfan Sait, APP, for the respondent/ State.

**Coram: R.N. Laddha, J.
Date: 21 October 2024.**

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.743 of 2024, registered at Central Police Station, Thane City, for offences punishable under Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 and Sections 370(2) read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 7 May 2024, the

police received confidential information about ongoing prostitution activities in 'Blue Berry Lodging and Boarding' at Ulhasnagar. Acting on the tip, the police laid a trap with the help of a decoy customer and witnesses at Hotel. During the raid, the police rescued eight girls. Further investigation revealed the applicant's name as the owner of the hotel and the principle perpetrator of the crime.

3. Mr Mainak Adhikary, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. Although the applicant is the owner of the hotel, he is a resident of Orissa and doesn't frequently attend the business and entrusted the operations to accused No.2. There is nothing on record linking the applicant to the alleged crime, nor is there any material to substantiate the allegations. Additionally, there is no indication that the applicant was involved in bringing the victims for prostitution. The applicant was not present at the scene during the alleged raid. The co-accused have already been released on bail. The victims, who are of legal age, have not implicated or made any allegations against the applicant. The applicant has no criminal antecedents. Mr Adhikary further submits that the investigation is complete, and a charge sheet has been filed. There is nothing to be recovered

from the applicant. There is no risk of the applicant fleeing or tampering with the witnesses, and he will not misuse his liberty if granted bail.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the prayer for pre-arrest bail and contends that the applicant is the licensee of the premises, and as such is the beneficiary of the prostitution business. The applicant played a significant role in the criminal activities that resulted in the filing of the FIR. The learned APP raises concern about granting pre-arrest bail as the applicant may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material on record. It is not in dispute that the applicant was not present at the scene during the raid. All the victims involved are adults, and none have implicated the applicant in the present crime. There are no allegations of sexual assault against the applicant. The co-accused, who are arraigned as the main accused in the crime, has already been granted bail. The investigation has concluded, and a charge sheet has been filed. Nothing remains to be recovered from the applicant. The applicant has no criminal antecedents. The apprehension of the prosecution

about evidence tampering and witness influence can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.743 of 2024, registered at Central Police Station, Thane City, he 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, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

(iii) The applicant shall regularly attend the jurisdictional Court and cooperate for the expeditious disposal of the case.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)