

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

Anticipatory Bail Application No. 2858 of 2024

Shambhu Munnilal Upadhyay
Aged 32 years, Occ. Service,
R/at. House 470, Room No.310,
Near Datta Mandir, Shirvane,
Belapur, Navi Mumbai.

... Applicant

versus

The State of Maharashtra
(At the instance of Turbhe MIDC
Police Station vide their
CR No.311 of 2024)

... Respondent

Mr Prabhanjay Dave along with Mr Pradeep Kumawat, for the
applicant.

Ms Supriya Kak, APP, for the respondent/ State.

PI Sanjay Joshi, Turbhe Police Station, Navi Mumbai.

Coram: R. N. Laddha, J.

Date: 17 October 2024.

P.C.

By this application, the applicant seeks pre-arrest bail in
connection with CR No.311 of 2024, registered at Turbhe
MIDC Police Station, Navi Mumbai, for offences punishable
under Sections 3, 4 and 5 of the Immoral Traffic (Prevention)
Act, 1956 and Sections 143(3) read with 3(5) of the Bharatiya

Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 16 July 2024, the police received confidential information about a website that, when accessed, displays a WhatsApp link. Clicking this link opens a WhatsApp chat and by calling the number provided, one can arranged for girls to be involved in prostitution. Acting on tip, the police laid a trap with the help of a decoy customer and witnesses at Hotel River Park, Shirvane, Nerul, Navi Mumbai. During the raid, the police rescued eight girls and arrested two persons, Vishnu Janki Yadav and Inderdev Prasad, who were found to be responsible for the prostitution. Further investigation revealed the applicant's name as the principle perpetrator of the crime.

3. Mr Prabhanjay Dave, 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. 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 Dave further submits that the investigation is complete and nothing is 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. Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, opposes the prayer for pre-arrest bail and contends that the applicant played a significant role in the criminal activities that resulted in the filing of the FIR. Furthermore, it is highlighted that two of the co-accused in this case have not yet been arrested. 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 investigation has concluded, and while two of the co-accused are still at large, this alone cannot serve as a basis to deny the applicant's request for pre-arrest bail. The apprehension of the prosecution about evidence tampering and

witness influence can be addressed by imposing appropriate conditions. Given the above, the application is allowed. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.311 of 2024, registered at Turbhe MIDC Police Station, Navi Mumbai, 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 shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)