

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3002 OF 2024

Kiran Shivaji Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Yogesh Birajdar i/b Mr. Nagraj Shinde, for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent.
- Mr. S.D. Hale, PSI, Vairag Police Station.

CORAM : MANISH PITALE, J.

DATE : 18th NOVEMBER, 2024.

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P. C. :

1. Heard, Mr. Birajdar, learned counsel for the applicant and Mr. Agarkar, learned APP for the respondent-State.

2. On 14th November, 2024, this Court had adjourned hearing of this application to today, so as to facilitate the learned APP to produce the investigation papers.

3. The applicant is apprehending arrest in connection with First Information Report No.0376 of 2024, dated 14th September, 2024, registered at Police Station Vairag, District Solapur Rural, for offences under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 (PITA) and Sections 144(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

4. In this case, charge-sheet was filed upon completion of

investigation against co-accused Nos.1 to 4.

5. The papers show that the applicant was not shown as accused in the FIR in the first place. The investigation has revealed that the limited role of the applicant was that he was the witness to business conducting agreement in respect of the lodge, wherein the aforesaid activities concerning prostitution were undertaken, resulting in registration of the offences.

6. It is also revealed that certain amount was raised by the applicant for business conducting agreement. Beyond that, there does not appear to be any overt act on the part of the applicant insofar as the prostitution activities allegedly undertaken in the lodge. It is also brought to the notice of this Court the victims in the present case took the name of the co-accused persons and not the applicant before this Court.

7. In such circumstances, although offences registered in the present case are serious in nature, this Court is inclined to allow the present application.

8. In view of the above, the application is allowed in the following terms :

- (A) In the event, the applicant is arrested in connection with
FIR No.0376 of 2024, dated 14th September, 2024,

registered at Police Station Vairag, District Solapur Rural, he shall be released on bail, on furnishing PR Bond of ₹25,000/- with one or two sureties in the like amount.

(B) The applicant shall remain present before the Investigating Officer on 25th November, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

(C) The applicant shall cooperate with the investigation.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)