

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

Anticipatory Bail Application No. 3278 of 2024

Ramdas Kallappa Balagaonkar
Age 44 years, Occ. Business,
R/at. Flat No.102, 1st Floor,
Vaishnavi Park, Near Ganpati
Mandir, Opp. Bk. No.1397,
Maratha Section 32, VTC,
Ulhasnagar – 421 004. Dist. Thane.

... Applicant

versus

The State of Maharashtra
(Central Police Station)

... Respondent

Mr Piyush Chhabria, for the applicant.

Mr Amit A Palkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 13 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.1057 of 2024, registered at Central Police Station, Thane, for offences punishable under Sections 143(1) and 143(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of the the Immoral Traffic (Prevention) Act, 1956.

2. It is the case of the prosecution that, upon receiving the secret information about women being coerced into the sex trade for financial gain, a raid was conducted at Sitara Lodging Boarding in Ulhasnagar, and 15 victims were found engaged in prostitution along with customers. At that time, the applicant was the owner of this Lodge.

3. The learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and submits that the applicant has been falsely implicated in the present crime. Drawing the attention of this Court to the leave and licence agreement, the learned Counsel submits that the Lodge was managed by the co-accused, Kuldeep Singh, to whom the premises were given under a leave and licence agreement. The learned Counsel further submits that the police were already informed about the execution of this agreement. There is no material on record to substantiate the allegation that the applicant had knowledge of the alleged illegal activities. According to the learned Counsel, the applicant has been unfairly made a scapegoat. In these circumstances, the custodial interrogation of the applicant is unwarranted.

4. On the other hand, the learned Additional Public Prosecutor representing respondent/State, opposing the application, argues that the offence is of a serious nature.

Fifteen victims, all residents of Thailand, were found at the scene, and subsequently, deported to their home country. The applicant is the owner of the Lodge.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. Upon perusing the records, it appears that the applicant entered into a leave and license agreement with co-accused Kuldeep Singh, who seems to be managing the Lodge under this agreement. The leave and license agreement is already in the possession of the investigating agency. There is nothing on record to suggest that the applicant was aware of the alleged illegal activities taking place at the Lodge. Furthermore, the applicant was not present at the time of raid. Additionally, all the alleged victims were adults aware of the situation, and there are no allegations that the applicant coerced anyone into the alleged illegal activities. The investigation is almost complete and nothing is to be recovered from the applicant.

7. In light of the above, the application is allowed in the following terms :

ORDER

(i) In the event of the applicant's arrest in connection with CR No.1057 of 2024,

registered at Central Police Station, Thane, 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 indulge in any activity that may tamper with the evidence or influence witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]