



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3313 OF 2024**

Suresh Yellapa Shetty	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. M.V.Holamagi, for Applicant.
Mr. A.A.Naik, APP for State.
PSI Manish Hajare, Dahisar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 17 DECEMBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.1762 of 2022 registered with Dahisar Police Station for the offences punishable under Sections 308, 342, 114, 109, 294 read with Section 34 of the Indian Penal Code, 1860, and Sections 3, 8(1), 8(2) and 8(4) of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants, Bar Rooms and Protection of the Dignity of Women (Working therein) Act, 2016.
3. In fact, this is a second application for pre-arrest bail. First application, being ABA No.1713 of 2023, was dismissed as withdrawn. On first principles, there is no propriety in entertaining the second application for pre-arrest bail.
4. In the application, it is averred that the said application was filed before filing of the chargesheet, and, in the intervening period, co-accused have

been arrested and post completion of investigation, chargesheet has been lodged. Learned Counsel for the Applicant submitted that the custodial interrogation of the applicant is not at all warranted. The applicant was not present at the time of the alleged raid. Therefore, the applicant deserves relief of pre-arrest bail.

5. Mr. Naik, learned APP resisted the prayer for pre-arrest bail. On the instructions of the IO, who is present in Court, it was submitted that the applicant has made himself scarce. Therefore, the applicant does not deserve pre-arrest bail.

6. I have perused the allegations in the FIR. Prima facie, it appears that the applicant is the owner of the premises where the bar and restaurant under the name and style of 'Chiranjivi Bar and Restaurant' was being operated. In the raid, initially few victims who were made to work as the bar dancers were found. What essentially incriminates the applicant and the co-accused is the fact that in a small metal enclosure, 19 girls were made to conceal their presence. The raiding party removed the glass partition as it entertained suspicion. 19 girls came out of the said enclosures admeasuring 10 x 8 ft., closed from all the sides without any ventilation. Four of the girls were panting and felt suffocated. The learned Sessions Judge has further noted that as many as 10 identical offences have been registered against the applicant. Prima facie, the applicant appears to be a habitually indulging in the offences

for which he has been arraigned in this case. The fact that the applicant has made himself scarce and the investigating agency could not trace him, further dissuades the Court from exercising discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The Application stands rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

Application disposed.

(N.J.JAMADAR, J.)