

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

ANTICIPATORY BAIL APPLICATION NO. 3494 OF 2024

Vidya Chandrakant Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 20th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0583 of 2024, dated 19th July, 2024, registered at Police Station, Barshi City, District Solapur Rural, for offences under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 (PITA) and Sections 143(2) and 144(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR has been registered in the present case on an allegation that in a property owned by the applicant a prostitution racket was being run, wherein 8 victim women were found to be indulging in prostitution. The FIR named the co-accused person, who had taken the said property on leave and license from the applicant.

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4. The learned counsel for the applicant submits that in the present case, there is no material to link the applicant with the said offences. It is submitted that the applicant had no knowledge of such activity being conducted by the co-accused person. She was not named in the FIR in the first place, but her name was added later on. It is submitted that the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned APP submits that the order of the Sessions Court itself records that this is the second offence registered against the applicant for similar offence and since she has remained absconding, no indulgence may be shown to the applicant, particularly because serious offences are registered in the present case, which indicate offences against women and also trafficking of woman.

6. This Court has perused the material on record. While the application can be kept pending in order to ascertain the nature of allegations made against the applicant in the earlier criminal case registered against her, interim relief can be granted, for the following reasons:

- (i) The applicant is not named in the FIR as one of the accused persons.
- (ii) None of the 8 victim women have named the applicant in their statements.
- (iii) There is nothing to indicate that the contingencies contemplated under

clauses (a) and (b) of Section 3(2A) of PITA were satisfied in the present case to raise a presumption of knowledge about such activities against the applicant.

(iv) It would be necessary to peruse the material in detail to verify as to whether it can be said that the applicant had knowingly permitted such activity to be conducted in her property.

(v) The applicant is a woman and she has undertaken to cooperate with the investigation.

7. In view of the above, there shall be interim order in the following terms:

- (A) Till the next date, in the event the applicant is arrested in connection with FIR No.0583 of 2024, dated 19th July, 2024, registered at Police Station, Barshi City, District Solapur Rural, she shall be released on bail on furnishing PR Bond of ₹ 50,000/-with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 23rd December, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicant shall co-operate with the investigation.

(D) The applicant shall not influence the informant, witness or any person concerned with the case and she shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List for further consideration on 27th January, 2025, “High on Board.”

(MANISH PITALE, J.)