

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

Anticipatory Bail Application No.3505 of 2024

1. Prathish Raghav Marla
Aged about-57 yrs, Occu- Chef
R/at A/109, Gurudarshan Apt,
Near Shreya building, P & T Colony,
Dombivali (E), Thane.
2. Suresh Narayan Shetty
Aged about-48 yrs, Occu: Bellboy,
R/at Barrack No.732, Jacob Compound,
Punjabi Colony Near Gurudwar,
Ulhasnagar Thane. ... Applicants.

Vs.

The State of Maharashtra
(Central Police Station) Respondent.

Mr Piyush Chhabria for the applicant.
Mr MG Patil, APP for Respondent/State.
PSI VD Malsheta a/w PI Umesh Sawant, Central Police
Station.

**Coram : R.N.Laddha, J.
Date : 20 December 2024.**

P.C. :

The applicants are apprehending arrest in connection
with CR No.1166 of 2024, registered with Central Police

Station, Thane, accusing them of committing the offence punishable under Sections 143(1), 143(2), 143(3) of the Bharatiya Nyaya Sanhita and Sections 3, 4 and 5 of the Prevention of Immoral Trafficking Act, 1956 (for short the 'PITA').

2. It is the case of the prosecution that, based on secret information about women being coerced into sex trade for financial gain, a raid was conducted at the Supphire-Inn lodge. During the raid 14 victims were found engaged in prostitution along with customers, and two of the co-accused were apprehended. It is alleged that at the relevant time the applicants were working as a Chef and a Bellboy.

3. The learned Counsel for the applicant, asserts the applicants' innocence and submits that the applicants have been falsely implicated in the present crime. The applicants are not named in the FIR and did not receive payments from any of the victims, and the victims never made any allegations against the applicants. All the alleged victims were adults aware of the situation, and there are no allegations of the applicant coercing any one into illegal activities. According to the learned Counsel, the applicants

have been unfairly made a scapegoat, and custodial interrogation is unnecessary since nothing is to be recovered from the applicants.

4. Conversely, the learned APP, representing respondent/ State opposed the prayer for pre-arrest bail and submits that the applicants were employed in the aforesaid lodge. The offence is of a serious nature. The learned APP, however, acknowledges that except the statement of the co-accused, no material is available on record to connect the present applicants with the alleged crime. The learned APP also submits that the investigation is almost complete and nothing is to be recovered from the applicants.

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 except the co-accused's statement that the applicants were employed in the aforesaid lodge as a Chef and a Bellboy, nothing is on record to connect the applicants with the present crime. Admittedly, the applicants were not present at the time of

the raid. *Prima facie*, there is no material available on record to indicate that the applicants were aware of the alleged prostitution business conducted in the lodge and they are not benefited from the alleged illegal activities. Moreover, the investigation is almost complete and nothing is to be recovered from the applicants. The co-accused were already granted pre-arrest bail. There appears no need for custodial interrogation of the applicants. Given the above, this Court is inclined to allow the present application. Hence, the following order :

Order

- (i) In the event of the applicants' arrest in connection with CR No.1166 of 2024, registered with Central Police Station, Thane, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.
- (ii) The applicants shall attend the concerned Police Station as and when required.
- (iii) The applicants, themselves or through any other person, shall not

tamper with the evidence or influence
the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]