



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 ANTICIPATORY BAIL APPLICATION NO. 71 OF 2025

SURAJ SHIVAJI RAUT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondents 1 & 2 : Mr. S.P. Sonpawale

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.02.2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant is apprehending arrest in connection with Crime No. 420/2024 dated 16.10.2024 registered with Shivaji Nagar Police Station, Latur, District Latur for the offences punishable under sections 143, 3(5) of B.N.S., 2023 and under sections 3, 4, 5, 6 & 7 of Immoral Traffic (Prevention) Act, 1956.
3. This Court by order dated 3.2.2025 has granted interim protection to the applicant by noting the submissions and reasons at para Nos. 3 to 6, as under :-

"3. The allegations against the applicant are that he, along with his mother and three adult women, were involved in the business of prostitution. It is stated that the applicant and his mother would receive Rs. 500/- per customer for the services provided by the three adult women.

4. Prima facie, based on the material on record, the applicability of Section 143 of the Bharatiya Nyaya Sanhita, 2023, appears to be doubtful, as the offence of trafficking under this provision may not be made out in a case where the business is being carried out consensually by the adult

occupants of the premises. However, offences under the Immoral Traffic (Prevention) Act would apply, where the prescribed punishment ranges from two to a maximum of three years.

5. The learned counsel for the applicant submits that the applicant is engaged in the business of plywood and hardware, has been paying income tax, and is not the owner of the premises. He contends that the applicant's mother owns the premises and had rented it out to a third party, and therefore, the applicant is not involved in the alleged offence.

6. Considering that the applicability of Section 143 of the Bharatiya Nyaya Sanhita, 2023, is doubtful in the present case, interim protection is granted to the applicant. Prima facie, Section 6 of the Immoral Traffic (Prevention) Act would also not apply, as the statements of the adult occupants of the premises do not indicate any coercion or unlawful confinement."

4. The learned counsel for the applicant submits that there is error in the order dated 3.2.2025. The learned counsel submits that in para 4 of the order, it is mentioned that prescribed punishment ranges from two to a maximum of three year. However, the prescribed punishment for section 5 of Immoral Traffic (Prevention) Act is not less than three years and not more than seven years.

5. The learned counsel further submits that in pursuance of the interim order of this Court, the applicant has attended the police station and cooperated with the investigation. There is no grievance raised in this regard. Considering the reasons given in the interim order dated 3.2.2025 and considering that the applicant has cooperated with the investigation and there is no antecedents against the applicant, interim protection granted on 3.2.2025 can be confirmed.

6. In view of the above, the application is allowed and the interim protection granted on 3.2.2025 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii. The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/