



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 ANTICIPATORY BAIL APPLICATION NO. 569 OF 2025

AASHA SHIVAJI RAUT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Sudarshan J. Salunke

APP for Respondent/State: Mr. Ruchir S. Wani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08.04.2025

P.C. :

1] Issue notice to the respondents. The learned APP waives service of notice on behalf of the respondents.

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

3] The applicant is apprehending arrest in connection with Crime No.420/2024, dated 16.10.2024, registered at Shivaji Nagar Police Station, Latur, District Latur, for the offences punishable under Sections 143, 3(5) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956.

4] The learned counsel for the applicant relies upon the order passed by this court dated 17.02.2025 in

ABA/71/2025 in favour of the co-accused, who is stated to be son of the present applicant, who was running the concerned brothel. The allegations against the applicant is identical to the allegations against the son that they were running the brothel. There are no antecedents against the present applicant.

5] Considering the submissions and reasons given in the order dated 17.02.2025 in ABA/71/2025 in case of the co-accused Suraj Shivaji Raut, paragraphs no.3, 4, 5 and 6, as under, protection can be granted to the present applicant.

“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 :..”

6] In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No.420/2024, dated 16.10.2024, registered at Shivaji Nagar Police Station, Latur, District Latur, for the offences punishable under Sections 143, 3(5) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956, she shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when required by the Investigating Officer.

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

iv] 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]
JUDGE

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