



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

953 ANTICIPATORY BAIL APPLICATION NO. 1799 OF 2024

Gopal Bhujang Mane
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Gunale Vishwamber Digamberrao
APP for Respondents-State: Mr. B. B. Bhise

...
CORAM : ARUN R. PEDNEKER, J.

Dated : March 28, 2025.

PER COURT :-

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

2. The applicant is apprehending arrest in connection with FIR No.543/2024, registered at udgir Rural Police Station, Tq. Udgir, District Latur, for the offences punishable under sections 143, 3(5) of Bharatiya Nagrik Suraksha Sanhita, 2023 and Section 3, 4, 5, 7 of Immoral Traffic (prevention) Act, 1956.

3. This Court, by order dated 22/10/2024, granted interim protection to the applicant, noting the submissions in paragraph No.4 as under :-

"4. Learned counsel for the applicant submits that except for the alleged statement of co-accused, there is no evidence to indicate that the applicant is the owner of premises or conducting the business wherein the raid was conducted. It is his submission that even in the order passed by the Addl. Sessions Judge, there is no reference of any documentary evidence being produced by the prosecution to that effect. Learned counsel for the applicant, on instructions, makes solemn statement that he has no criminal history behind him."

4. The learned Counsel for the applicant relies upon the order dated

05/12/2024 passed by this Court in BA No. 1954/2024, in the case of the co-accused, wherein the co-accused was granted regular bail, particularly noting paragraph No.3 as under :-

“3] Perused the police papers and the statement under Section 164 given by the only Lady, who had served in the Massage Centre. In her statement, she stated that she had no physical relations with any man (customers) at the centre. The applicant submits that the massage centre is being run by the owners under the license granted by the competent authority.”

5. The learned Counsel for the applicant submits that, in view of the order passed by this Court on 05/12/2024 in BA No. 1954/2024 and the statement recorded under Section 164 of Cr.P.C. by the lady witness, who has not supported the prosecution's case, the applicant is entitled to relief.

6. It is further stated by the learned APP that there were two lady witnesses, both of whom gave statements under Section 164 of Cr.P.C., but neither supported the prosecution's case.

7. In view of the above, the interim protection granted to the applicant by order dated 22/10/2024 is confirmed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.543/2024, registered at udgir Rural Police Station, Tq. Udgir, District Latur, for the offences punishable under sections 143, 3(5) of Bharatiya Nagrik Suraksha Sanhita, 2023 and Section 3, 4, 5, 7 of Immoral Traffic (prevention) Act, 1956, he shall be released on bail

on furnishing PR bond of Rs.20,000/- 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 called by the police.

iii] 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.

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

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

9. 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.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.