



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1211 OF 2025

Suresh Namdeo Kathar
Versus
The State of Maharashtra

Mr. Prashant P. Giri for the Applicant.
Mr. C. V. Bhadane, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 21 JULY 2025

P C.:

1. The proceedings are on board for the first time today.
2. Issue notice to the Respondent.
3. Mr. Bhadane, learned APP waives service for the State.
4. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as the Applicant in the present proceedings apprehends arrest.
5. The proceedings arise out of CR No.0258 of 2025. The FIR is lodged on 30 June 2025 at 01:11 hours by the Mukundwadi Police Station, Chhatrapati Sambhajanagar. The date of occurrence of the alleged incident as stated in the FIR is 29 June 2025. The FIR has been registered under Sections 3 and 5 of the Immoral Traffic (Prevention) Act, 1956 (“**Immoral Traffic Act**”) and Sections 143 and 3(5) of the Bharatiya Nyaya Sanhita,

2023 (“**BNS**”). There are three accused persons, out of which accused No.3 is the Applicant before the Court. The Bail Application of accused No.1 is rejected by an order dated 7 July 2025, passed by the Additional Sessions Judge, Aurangabad. The Informant is one Gayatri Himmat Patel, who happens to be a social worker.

6. With the assistance of the learned counsel for the parties, I have perused the FIR and record available with the Court. Firstly, a bare perusal of the FIR indicates that the Applicant is the owner of the said premises, however, equally pertinent it is to note that from 1 January 2025 until 1 December 2025, the Applicant has engaged into the Deed of Leave and License Agreement with one Govind Ranjit Khandebhrad, who is the licensee being in occupation of the said premises as on the date of filing of the FIR. It appears from the record that the rent was regularly paid for such premises which were let out on leave and license basis.

7. Mr. Giri, learned Advocate for the Applicant would point out that as soon as the Applicant learnt about the alleged illegal activity taking place on the premises, a legal notice was issued on behalf of the Applicant dated 30 June 2025 immediately calling upon the said licensee to vacate and hand over the peaceful possession of the said premises on or before 8 July 2025.

8. Mr. Bhadane, learned APP at this juncture is not able to dispute these facts as he would have to take instructions. The account statements

are also annexed to the Application to show that the Applicant has been regularly receiving the rent in respect of the said premises. Both the learned counsel have relied on the decision of the Bombay High Court in Criminal Public Interest Litigation No.4 of 2015 dated 30 October 2015. The would rely on the observations *inter alia* in paragraph 28 by submitting that the Court would release on bail a brothel owner but only subject to the closure and sealing of his brothel under Section 18 of the Immoral Traffic Act. From a bare perusal of Section 18, which is also invoked in the FIR *prima facie* appears that the mandate and procedure prescribed under the said provision is far from followed.

9. Considering all of the above and also considering the fact that this Applicant does not have any criminal antecedents *prima facie* the Applicant deserves to be protected by the following order:-

ORDER

- (i) Until the adjourned date of hearing, in the event of arrest of the Applicant in connection with CR No.0258 of 2025 registered with Mukundwadi Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 3 and 5 of the Immoral Traffic Act and Sections 143 and 3(5) of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station on every Monday at 11:30 a.m., until further orders.
 - (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
 - (iv) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further orders.
 - (v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.
10. List the proceedings for further consideration on **11 August 2025**.
11. The protection granted to the Applicant shall continue until the adjourned date of hearing.

[ADVAIT M. SETHNA, J.]