

VRJ

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

BAIL APPLICATION NO.1395 OF 2025

VAIBHAV
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Santosh Babu Shetty & Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Piyush Chhabria with Pravin Kukreja for the applicants.

Ms. Rajashree V. Newton, APP for the State-respondent.

Mr. Vishal Chitnis, API, Central Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 16, 2025

P.C.:

1. This is a bail application preferred by the applicants under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking their release on bail in connection with Crime No.1166 of 2024 registered with Central Police Station, Ulhasnagar. The offences alleged against the applicants are punishable under Sections 143(1), 143(2), and 143(3) of the *Bharatiya Nyaya Sanhita, 2023*, and Sections 3, 4, and 5 of the *Immoral Traffic (Prevention) Act, 1956*.

2. The prosecution case, in brief, is that on 6th November 2024, upon receipt of confidential information, a raid was conducted by the police at Hotel Sapphire Inn located in Shantinagar,

Ulhasnagar-3. During the said raid, the applicants were allegedly found to be operating a brothel in the said premises. It is alleged that the applicants were facilitating prostitution activities by keeping women for the purpose of prostitution and inviting customers to the hotel. Pursuant to the said operation, the applicants were taken into custody.

3. All three applicants were arrested on the same day i.e., 6th November 2024. After completion of investigation, the police have filed a charge-sheet on 20th March 2025. The applicants had earlier moved an application for bail before the learned Sessions Judge, which came to be rejected. Hence, the present application has been filed before this Court seeking their release on bail.

4. Learned advocate appearing for the applicants submitted that the applicants have been falsely implicated in the alleged offence. It is contended that applicant No.1 was merely working as a Cashier in the hotel, applicant No.2 was employed as a Waiter, and applicant No.3 was functioning as a Watchman. According to the applicants, they had no knowledge or role in the alleged prostitution activities, nor is there any specific role assigned to them in the statements of the victims. It is further submitted that none of the victims have named the applicants in their statements recorded by the Investigating Officer. The applicants have fixed places of residence and do not have any criminal antecedents. They are ready to abide by any conditions that may be imposed by this Court, and undertake to cooperate with the trial.

5. On the other hand, learned APP opposed the application and

submitted that the allegations levelled against the applicants are of a serious nature and relate to trafficking and exploitation of women. It is submitted that the victims are foreign nationals, specifically residents of Bangladesh, and a significant amount of Rs.2,75,000/- was recovered from the counter at the hotel during the raid. The prosecution contends that there is a reasonable apprehension that if released on bail, the applicants may try to influence the witnesses or tamper with the evidence, thereby adversely affecting the course of justice.

6. I have carefully considered the material placed on record, the arguments advanced by both sides, and the overall circumstances of the case.

7. The applicants are in custody since 6th November 2024 and the charge-sheet has already been filed on 20th March 2025. Therefore, custodial interrogation of the applicants is no longer required. The main allegation in the FIR is regarding running of a brothel at Hotel Sapphire Inn. However, from the documents placed before this Court, particularly the statements of the victims recorded under Section 161 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, it is noticed that no specific overt act is attributed to any of the present applicants. None of the victims have named these applicants or alleged that they were forced, lured, or trafficked by them.

8. The applicants appear to be lower-level employees – one working as a cashier, another as a waiter, and the third as a watchman. There is no prima facie material to indicate that they

had control over the management or administration of the hotel or were financially benefitting from the alleged sex trade.

9. While the prosecution has contended that the victims are foreign nationals and that a sum of Rs.2,75,000/- was found on the counter, it is not shown from the record that the said amount was in the possession or control of these applicants. No direct evidence has been pointed out to show that the applicants were involved in trafficking or any organized activity under the Immoral Traffic (Prevention) Act.

10. At this stage, without commenting on the merits of the case, this Court is of the view that further incarceration of the applicants is not necessary. The applicants have permanent residence, no prior criminal record, and are willing to comply with conditions to ensure their presence during trial. The apprehension of the prosecution that the applicants may tamper with evidence can be taken care of by imposing appropriate conditions.

11. Hence, the following order is passed:

(i) The bail application is allowed.

(ii) The applicants Santosh Babu Shetty, Manjunatha Devappa Poojari and Shivakant Phoolchandra Yadav are directed to be released on bail in connection with Crime No.1166 of 2024 registered with Central Police Station, Ulhasnagar, on their executing a personal bond of ₹25,000/- (Rupees Twenty-Five Thousand only) each with one or more sureties in the like amount.

(iii) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer.

(iv) The applicants shall report to the Investigating Officer on the first Monday of every month between 10:00 a.m. to 12:00 noon till framing of charge.

(v) The applicants shall not leave the jurisdiction of the trial court without prior permission.

(vi) The applicants shall furnish their permanent address and contact details to the Investigating Officer and shall inform about any change thereof in writing.

(vii) If it is found that the applicants are misusing the liberty granted by this Court, it shall be open to the prosecution to seek cancellation of bail.

(AMIT BORKAR, J.)