

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4656 OF 2025**

LavkushRam Hareram Ram

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Prabhanjay R. Dave, *for the Applicant.*

Ms. Anamika Malhotra, *APP for the Respondent-State.*

Mr. Raju Chavan, *API attached to Sakinaka Police Station,
Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 632 of 2025 dated 29th June 2025 registered with the Sakinaka Police Station, Brihanmumbai City for the offences punishable under Sections 144(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 (for short 'PITA').

2. The case of the prosecution, as discerned from the FIR, is that on 28th June 2025, on intelligence received from a secret source that illegal activities involving abuse of women under the PITA Act, were being carried on in the 'Solistic Sky Spa & Spa' ('the Massage Parlour'), the police officials raided the said place. A bogus customer was sent to the Massage Parlour. At around 20.38 hours, the bogus customer visited the Massage Parlour and asked for a massage. He was directed to two women, who offered him a massage. When the bogus customer asked if he could get a masseuse, who would give him sexual relations under the guise of an advance massage, the manager came in the room and attempted to negotiate the price for the purported 'advance massage'. While the negotiations were on, the customer gave a secret signal to the police; a raid was conducted and an FIR was registered. The Applicant, who was the manager at that time of the Massage Parlour, was arrested.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai. However, by order dated 9th October 2025, the bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Prabhanjay Dave, learned counsel appearing for the Applicant, submits that there is nothing to indicate that the Applicant accepted the amount for an 'advance massage' to be given to the bogus customer by one of the masseuses in the Massage Parlour. He also submits that the actual owner of the Massage Parlour is protected by an order dated 1st October 2025 passed by this Court, granting him anticipatory bail, while the Applicant is merely the manager. Mr. Dave thus, submits that none of the girls/victims have complained that they were forced into a sexual relations at the Massage Parlour by the Applicant. He thus, submits that the Applicant having suffered incarceration for the past 6 months, without

charges being framed and the trial being unlikely to conclude in a foreseeable future, the Applicant be enlarged on bail.

5. *Per contra*, Ms. Anamika Malhotra, learned APP representing the State in the matter, submits that the trap was laid by the Police on the basis of information received by them; a bogus customer was deployed in the Massage Parlour; the Applicant was caught red handed while negotiating a price for an 'advance massage', which meant sexual relationship with the masseuse. Therefore, she submits that the Applicant is thus, directly involved in the offence alleged against him. She also points to the statements of witnesses, who have admitted that the Applicant came into the Massage Parlour and attempted to negotiate the price for an advance massage. She thus, prays that the Bail Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. I have gone through the statements of the victims, who state that the Applicant tried to negotiate price with the bogus customer. However, none of the witnesses have stated that it was an active act of the Applicant, who finagled an offer of facilitating sexual relations between the masseuse and the bogus customer. From the FIR and the material on record, *prima facie* this does not appear to be a case of human trafficking or an act to engage in the business of prostitution of the victim girls in the Massage Parlour. The offences as alleged under Sections 3 and 4 of the PITA Act are bailable and at this stage, there is no sufficient material on record to convict the Applicant under Section 5 of the PITA Act. The victims herself have not made any allegations against the present Applicant.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month on the first Saturday between 11:00 a.m. to 02:00 p.m.;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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