

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.421 OF 2025

Kavita Vithoba Pawar

...Applicant

Vs

The State Of Maharashtra

...Respondent

Mr. V. P. Kakade, a/w. Mrunal Jadhav, Advocate for the Applicant.

Mr. Anand S. Shalgaonkar, APP for the State.

Mr. S. M. Tawade, PSI, A.E.C. C.B. Thane City.

CORAM : RAJESH S. PATIL, J.

DATED : 21 FEBRUARY 2025

PC.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding Section 438 of Cr.P.C], for anticipatory bail in connection with C.R. No. 0827 of 2024, dated 09 October 2024, registered with Kapurbavdi Police Station, District Thane (Urban), under Sections 143 (3), 143 (2), 143 (1) as well as Sections 5, 4 and 3 of the Immoral Traffic (Prevention) Act, 1956.

2. It is the prosecution contentions in the F.I.R. that the present

Applicant, along with one Sudhanshu Kumar Singh, was operating a spa at a mall in Thane. It is alleged that they provided girls for prostitution and exploited victims, with the present Applicant being the main kingpin as the owner of the spa. Hence, the F.I.R. was lodged.

3. Mr. Kakde, the learned Advocate appearing on behalf of the Applicant submits that though certain documents are shown in the name of the present Applicant, she is a divorced woman who was merely a friend with Sudhanshu Kumar Singh, the person who operating the spa. He submits that her name was used by Sudhanshu Kumar Singh and that she has no active role in the present F.I.R. He further submits that the Applicant is willing to cooperate with the Investigating Officer and, therefore, seeks protection

4. The learned APP submits that there is specific role of the present Applicant stated in the complaint. Documents discovered by the Investigating Officer, such as the leave and license agreement, are in the name of the present Applicant. Additionally, while the swipe machine used for accepting payments from customers is registered in the name of Sudhanshu Kumar Singh

(absconding accused), there are periodic payment entries from account of Sudhanshu Kumar Singh's Account to the present Applicant. Allegations are serious. The Accused Sudhanshu Kumar Singh and the present Applicant have both avoided recording their statements before the Investigating Officer. Their custody is necessary, as granting bail to them may lead to tampering with prosecution evidence and pressurizing the witnesses. The prosecution also needs to investigate how many such businesses are conducted by the accused persons in other localities. Therefore, an inquiry is necessary to record the statements of the victims and identify their customers. Hence, the present Anticipatory Bail Application deserves to be rejected.

5. I have heard counsel for both sides. The leave and license documents of the premises, which is a shop in a Mall, are in the name of present Applicant. Payments were made by customers through a swipe machine, and these payments were subsequently transferred to the Applicant's account. Only argument raised in defence on behalf of the Applicant is that she is a divorced lady hence she needs to be protected. However, the Applicant has not cooperated with the Investigating Officer so far. The F.I.R. has been

lodged on 9 October 2024, the enquiry is still at a preliminary stage. The offence is of a serious nature, as seven girls were apprehended at the spa during the raid. The name of the present Applicant and that of Sudhanshu Kumar Singh were disclosed by two individuals working at the spa's counter. The statement of Accused No.2, Priya @ Roop Bhagawandas Dudeja, specifically names the present Applicant as the owner of the spa.

6. In such a circumstances, according to me, no case is made out to grant any kind of protection to the Applicant. Hence, **the Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)