



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

ANTICIPATORY BAIL APPLICATION NO. 537/2025

SURESH S/O HARIYAPPA SHETTY ..APPLICANT
VS
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Khyati Shah for applicant.
Mr. Avinash A. Naik, APP for State.
PI Sanjay Pujari, Kashigaon Police Station (M.B.VV).

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 27, 2025.

P.C. :

- 1.** In the present proceeding the victim is minor, hence, the applicant is directed to add the victim as party respondent no.2 and the name of the victim should be masked.
- 2.** Amendment to be carried out forthwith. The learned counsel for the applicant to serve the amended copy of the anticipatory bail application on the learned APP. The learned APP to serve the amended copy of the anticipatory bail application on the newly added respondent no.2 through I.O.
- 3.** The learned counsel for the applicant submits that whatever offence is alleged to have happened under the Immoral Traffic

(Prevention) Act, 1956 as per the case of the prosecution in Hotel Daras Dhaba and/or in the Hotel Sai Residency. The present applicant is the owner of Hotel Aqua situated very near to both these Hotels. The applicant is in the business of hotel for last more than 18 years. Though there were the criminal antecedents reported against the applicant with regard to Hotel Aqua, the present applicant has been granted anticipatory bail by the Sessions Court in Criminal Bail Application No.2279/2024 by an order dated 22/1/2025. The scanned copy of the said order is reproduced herein below:-

1 Cri. Bail Application No. 2279/2024 (Order Exh. 1)

MHTH010065202024



In the Special Court (under POCSO Act), Thane
(Presided over by R.U. Malvankar, Special Judge (under
POCSO Act) and Addl. Sessions Judge, Thane)

Criminal Bail Application No.2279/2024

Mr. Suresh Shetty	..	Applicant /accused
State of Maharashtra	V/s.	Opponent

ORDER BELOW EXH.1

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of pre-arrest bail in connection with FIR. No.358/2024 registered with Kashigaon Police Station under Section 137(2),351(2),64(1),308(2) of the Bharatiya Nyana Sanhita, 2023 (hereinafter referred to as "BNS") and Sections 4,12 and 17 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act").

2] The complainant who is the mother of the victim aged 14 years had lodged the FIR on 24.10.2024 *inter alia* stating that the victim revealed to her whilst she was admitted in the hospital after having consumed phenyl that on 11.10.2024 accused Rangu Ronak

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had taken her to Hotel Aqua at Mira Road at 2.00 p.m. and having extorted from her an amount of Rs.45,000/- by giving her threats to defame her. On the basis of this FIR the police carried out the investigation and also issued notice to present applicant who now apprehends possible arrest.

3] The applicant contends that he is running Hotel Aqua at Mira Road since many years and has been falsely involved in the said crime without having any connection with the same. It is contended that he is not aware about accused Ronak and the victim and the relationship between the two and that they had checked in the said hotel on 12.10.2024 at around 2.10 a.m. and checked out by 2.55 a.m. and that the victim had herself furnished her ID in which she herself signed copy of Aadhaar card and the applicant realized during investigation of the crime that the ID provided by the victim girl was of her elder sister and that in fact the applicant himself was cheated by furnishing false ID. It is contended that he was never present at that time at the hotel at that time and that Manager Mr. Rupan who was present was the one who was attending them performing his duty but he too has been arrested without intimation and granted judicial custody when in fact the main accused has been released on bail.

4] He has contended that he has furnished all the C.C.TV. footages, copies of register, ID card copy received from victim and the main accused and has completely co-operated the investigation. He has contended that on account of this act he is facing humiliation and his image is being tarnished in the society. He apprehends arrest

3 Cri. Bail Application No. 2279/2024 (Order Exh. 1)
as he is receiving calls from the police station without having been even remotely connected with the crime. He undertakes to abide by the terms and conditions of anticipatory bail. Hence, the application.

5] Investigating Officer has filed reply at Exh.6 *inter alia* raising objection for grant of bail stating that the applicant/accused has likewise provided room in his hotel to minor girls facilitating commission of offences under the POSCO and PITA and in that direction investigation is required to be done. It is also submitted that when he was summoned at the police station he did not co-operate the police and ran away from the police station and is hiding his presence since then. He has also contended if he is granted anticipatory bail he may pressurize the complainant and other witnesses.

6] Heard learned advocate Shri Gholap and Spl.PP Smt. Chandane for the State.

7] Apparently, the role of the present applicant/accused is that he is the owner of Hotel Aqua; where the victim and the main accused Rangu Ronak had gone in the midnight and left within less than an hour. Apparently, the victim has tendered false Identity proof at that time. Apparently, the applicant/accused was not present in that hotel at that time. The Investigating Officer orally submitted that the accused who is running the hotel is unlawfully inducting minor girls for facilitating crime in his hotel and earns money from such unlawful induction and in that connection investigation is to be done.

4 Cri. Bail Application No. 2279/2024... (Order Exh. 1)

8] Thus it appears that investigation is mainly on the basis of documents as Investigating Officer will have to collect evidence regarding the relevant banking account from which monetary transactions would have taken place about which however there is no collection of material so far and for that custodial interrogation is not necessary. In the considered view of this Court by imposing necessary terms and condition for ensuring completion of investigation, this application can be granted. Hence, the order.

ORDER

1] Application is allowed.

2] In the event of arrest in connection with CR No. 358/2024 registered with Kashigaon Police, applicant/accused Suresh Hariappa Shetty be released on bail on furnishing P.R. bond of Rs.25,000/- (in words Twenty Five Thousand Only) with one surety in like amount.

3] Applicant shall file on record the authentic proof of residence, both permanent and present.

4] Applicant shall attend concerned police station on every Monday between 11.00 am to 3.00 pm and otherwise whenever required by the I.O. till filing of the charge-sheet.

5] Applicant accused shall not commit similar offence or other offence.

5 Cri. Bail Application No. 2279/2024 (Order Exh. 1)

6] Applicant accused shall not leave local jurisdiction without prior permission of I. O. in writing.

7] Applicant accused shall co-operate the investigating officer in every manner

8] Applicant 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 him from disclosing such facts to the Court or to I. O.

9] Applicant shall not leave India without permission of the Court.

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signed by
RUPY ULLHAS
MALVANKAR
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(R. U. Malvankar)
Special Judge (under POCSO Act)
and Additional Sessions Judge,
Thane

Thane.
Date: 22.1.2025

4. The learned APP on instructions of I.O. submits that Hotel Daras Dhaba is a place where the persons meet along with the victim and after the deal is final from there they moved on either to Aqua Hotel or to Sai Residency. Both Hotels are very near to Daras Dhaba. According to their information, both the hotels i.e. Aqua and Sai Residency are owned and/or conducted by the present applicant

(Suresh Shetty). The learned APP further submits that in the earlier crime which is registered against the present applicant, the victim was aged 14 years. The said victim was forced into business of prostitution. The said victim consumed phenyl as she was threatened to be defamed by the present applicant and the accused therein. However, the learned Sessions Judge considering the fact in that matter granted protection to the present applicant.

5. Since in the present proceedings it has been disputed whether the applicant has some connection with the hotel Sai Residency, the learned counsel for the applicant submits that she will inform on the next date of the hearing as to who are the owners of the Sai Residency and/or who are conducting business of Sai Residency (the names and addresses of such persons). The said information can be easily available with the present applicant since Hotel Sai Residency, Aqua Hotel and Daras Dhaba are very close to each other and as per the statement of the present applicant, he has been in the said business for last more than 18 years.

6. Stand over to **3/3/2025**.

(RAJESH S. PATIL, J.)