



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 AND ANR. ...RESPONDENTS

...  
Adv. Khyati Shah for the Applicant  
Adv. Avinash A Naik, APP for the Respondent State.  
...

CORAM : RAJESH S. PATIL, J.  
DATED : MAY 6, 2025

P.C.:

1. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail in connection with the CR No. 454/2024 of Kashigaon Police Station.
2. After the matter was heard for some time, the learned counsel for the applicant sought liberty to withdraw the present anticipatory bail application.
3. After hearing the learned counsel for the applicant and taking into consideration the documents on record, I have rejected the liberty sought by the learned counsel for the applicant.
4. The present proceeding arises out of hotels/lodges which are functioning in the locality known as Mira Road. In last two months,

more than 5 to 6 matters of pre-arrest bail arising out of hotel situated in Mira Road, have been rejected which involved the offences under Human Trafficking and Prostitution.

5. The present applicant admittedly running hotel in said Mira Road locality called as “Sai Residency.” Before the present FIR, an earlier FIR was lodged being FIR No. 358/2024 for the offences punishable under the BNS Act and POCSO Act. In the said proceedings, the complainant was a mother of the victim aged 14 years, who had lodged an FIR stating therein that the victim had consumed phenyl. In the said crime, a pre-arrest bail application was filed by the present applicant and his pre-arrest bail application was granted by the Sessions Court “Special Judge (under POCSO Act).”

6. As far as the present pre-arrest bail application is concerned, this arises out of a crime registered with Kashigaon Police Station, Mira Road. Within a periphery of 1 km. admittedly there are three hotels functioning known as Hotel Dara’s, Hotel Sai Residency and Hotel Aqua. Admittedly, the present applicant is a person, who runs Hotel Aqua. As per the allegations made in the FIR, a raid was conducted by the police wherein, they rescued 4 victim girls and arrested 2 accused persons. It is contended that the victim girls were procured for the purpose of prostitution and the present accused used to make profit out of such forced prostitution. Out of 4 victims, 2

victims were below the age of 18 years. At least 3 witnesses being the persons working in the hotel have named the present applicant, who is also running/conducting business of Hotel Sai Residency. So also, it has been shown an amount of Rs.25,000/- was transferred from the bank account of the Hotel Sai Residency on 11 December 2024, to the applicant's account.

7. The present applicant was summoned at police station. Though he attended the police station, however, as per the learned APP, the applicant did not co-operate at all with the investigation and just left the police station. The victim girls which includes two minor have been rescued by the police from the said lodge. Though charge-sheet has been filed against the co-accused, who have been arrested and granted bail, the present applicant is shown as absconding, who has not co-operated with the police. Therefore, according to me, for the purpose of completing the investigation, the custody of the present applicant would be necessary.

8. The learned APP has submitted that they have taken steps under Section 18 of the Immoral Traffic (Prevention) Act, 1956 and within a period of one week, the Commissioner of Police is expected to pass an order.

9. Considering the submission made by the learned APP, I am

satisfied that the present applicant is not co-operating with the investigating officer. This is a second similar kind of crime registered against the present applicant. Therefore, I find no merits in the present anticipatory bail application. Hence, **the anticipatory bail application stands rejected.**

10. Ms. Shah, learned counsel for the applicant, at this stage, seeks protection to the present applicant for being arrested for a period of two weeks. The learned APP has opposed the request made by the learned counsel for the applicant.

11. Considering the fact that as of date, there is no protection granted to the present applicant, the request made by the learned counsel for the applicant stands rejected.

**(RAJESH S. PATIL, J.)**