

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

ANTICIPATORY BAIL APPLICATION NO.989 OF 2025

Suresh Yella Shetty	...Applicant
Vs	
State Of Maharashtra	...Respondent

Digitally
signed by
AMOL
DILIPRAO
NAWALE
Date:
2025.05.01
15:40:54
+0530

Mr. M. V. Holamagi i/b. Mr. Sujit M. Holamagi, advocate for the applicant

Ms. Rutuja A. Ambekar, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATED : 29 APRIL 2025

P.C.:

1. The learned APP submits that a copy of the anticipatory bail application has not been served on the office of the PP. She submits that this is a 3rd pre-arrest bail application filed by the applicant. Earlier on 17 December 2024, the anticipatory bail application filed by the applicant was rejected on merits. The said order dated 17 December 2024 passed in ABA NO. 3313/2024 is reproduced herein below :

“1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with C.R.No.1762 of 2022 registered with Dahisar Police Station for the offences punishable under Sections 308, 342, 114, 109, 294 read with Section 34 of the Indian Penal Code, 1860, and Sections 3, 8(1), 8(2) and 8(4) of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants, Bar Rooms and Protection of the Dignity of Women (Working therein) Act, 2016.

3. In fact, this is a second application for pre-arrest bail. First application, being ABA No.1713 of 2023, was dismissed as withdrawn. On first principles, there is no propriety in entertaining the second application for pre-arrest bail.

4. In the application, it is averred that the said application was filed before filing of the chargesheet, and, in the intervening period, co-accused have been arrested and post completion of investigation, chargesheet has been lodged. Learned Counsel for the Applicant submitted that the custodial interrogation of the applicant is not at all warranted. The applicant was not present at the time of the alleged raid. Therefore, the applicant deserves relief of pre-arrest bail.

5. Mr. Naik, learned APP resisted the prayer for pre-arrest bail. On the instructions of the IO, who is present in Court, it was submitted that the applicant has made himself scarce. Therefore, the applicant does not deserve pre-arrest bail.

6. I have perused the allegations in the FIR. Prima facie, it appears that the applicant is the owner of the premises where the bar and restaurant under the name and style of 'Chiranjivi Bar and Restaurant' was being operated. In the raid, initially few victims who were made to work as the bar dancers were found. What essentially incriminates the applicant and the co-accused is the fact that in a small metal enclosure, 19 girls were made to conceal their presence. The raiding party removed the glass partition as it entertained suspicion. 19 girls came out of the said enclosures admeasuring 10 x 8 ft., closed from all the sides without any ventilation. Four of the girls were panting and felt suffocated. The learned Sessions Judge has further noted that as many as 10 identical offences have been registered against the applicant. Prima facie, the applicant appears to be a habitually indulging in the offences for which he has been arraigned in this case. The fact that the applicant has made himself scarce and the investigating agency could not trace him, further dissuades the Court from exercising discretion in favour of the applicant.

7. Hence, the following order:

ORDER

(i) The Application stands rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

Application disposed.”

2. Thereafter, on 20 March 2025, after hearing the learned counsel for the applicant for some time in IA No.456/2025 filed in ABA No.3313/2024, the learned counsel for the applicant did not press for

interim application and hence, it was disposed off.

3. The Supreme Court in case of Virupakshappa Goud & Anr. vs. The State of Karnataka & Anr. reported in (2017) 4 SCR 373, has held that just because the charge-sheet is filed, that will not amount to change of circumstances for filing second pre-arrest application. The ratio laid down in the judgment is squarely applicable to the present application

4. From the contents of the anticipatory bail application the applicant did not shown any change circumstances to file 3rd anticipatory bail application. Hence, the anticipatory bail application stands rejected.

(RAJESH S. PATIL, J.)