

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

Anticipatory Bail Application No.1774 of 2025

Wasim Ahmed Siraj Chaudhary

Aged about 35 years,

R/at Room No.2702,

Chawl No.169, Tagore Nagar,

Vikhroli (East), Mumbai-400 083

... Applicant

Versus

The State of Maharashtra

(at the instance of the Sr.Inspector

of Police, Baner Police Station,

vide FIR No.I-90 of 2025

... Respondent

Ms Akshata Desai i/by Nitin Sejpai for the applicant.

Mr SS Pednekar, APP for the respondent / State.

API Utkarsha Deshmukh, Baner police station.

Coram : R.N.Laddha, J.

Date : 1 July 2025.

P.C. :

Heard Ms Akshata Desai, the learned Counsel appearing on behalf of the applicant, and Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.90 of 2025, registered at Baner Police Station, Pune City, for offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, and Sections 143 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that, upon receiving the secret information about women being coerced into the sex trade for financial gain, a raid was conducted at '24 Thai Spa' in Pune, and the victim was found engaged in prostitution along with a customer. At that time, the applicant was the owner of the premises.

4. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and submits that the applicant has been falsely implicated in the present crime. Drawing the attention of this Court to the leave and licence agreement, the learned Counsel submits that the Spa was managed by the co-accused. The applicant gave the premises under a leave and licence agreement to one Dharmaraj Dubey. However, neither Dubey was made an accused nor was his statement recorded.

There is no material on record to substantiate the allegation that the applicant had knowledge of the alleged illegal activities. According to the learned Counsel, the applicant has been unfairly made a scapegoat. In these circumstances, the custodial interrogation of the applicant is unwarranted.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposing the application, argues that the offence is of a serious nature. The victim was found at the scene while committing illegal activity on the premises. The applicant is the owner of the said premises.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the record.

7. Upon perusing the records, it appears that the applicant entered into a leave and license agreement with Dharmaraj Dubey, who has not been made an accused. There is nothing on record to suggest that the applicant was aware of the alleged illegal activities taking place on the premises. Furthermore, the applicant was not present at the time of the raid. Additionally,

the alleged victim is of legal age and has never made any allegations against the applicant. In her statement, she denied that any illegal act was carried out at the time of the raid. There is no allegation that anyone coerced the victim into the alleged illicit activities. That apart, the investigation is complete, and nothing is to be recovered from the applicant. The prosecution's concern that the co-accused is not traceable cannot be the sole ground to deny the relief of pre-arrest bail to the applicant. In the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.90 of 2025, registered at Baner Police Station, Pune City, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]