

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

Anticipatory Bail Application No. 1916 of 2025

Pravin Madhukar Kharde

Aged 47 years, Occ. Business,

R/at: Plot No.10, Sai Anusaya

Apartment, Krishi Nagar,

Behind Manyavar Showroom,

College Road, Nashik.

... Applicant

versus

The State of Maharashtra

(At the instance of Panchwati Police

Station vide their C.R. No.578 of 2024)

...Respondent

Mr Prabhanjay Dave, for the Applicant.

Mr S S Pednekar, APP, for Respondent / State.

PI Jyoti Tukaram Aamne, Panchwati Police Station, Nashik.

Coram: R.N. Laddha, J.

Date: 14 July 2025.

P.C.:

The applicant apprehends arrest in connection with CR No.578 of 2024, registered at Panchvati Police Station, Nashik, for offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 ('PITA'), and has filed the present successive application seeking pre-arrest bail.

2. It is the case of the prosecution that, based on secret information about women being coerced into the sex trade for financial gain, a raid was conducted at the Madhuban Lodging. During the raid, four victims were found engaged in prostitution. At that time, the applicant was the owner of the premises.

3. Mr Prabhanjay Dave, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant gave the premises under a leave and licence agreement to the co-accused, Deepak Yadav. The applicant did not coerce anyone into the alleged illegal activities and has been made a scapegoat. All the alleged victims were adults and aware of the situation. The applicant has been falsely implicated in the crime, and nothing is to be recovered or discovered at his behest. If released on bail, the applicant is willing to abide by any conditions this Court imposes.

4. Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent State, opposes the applicant's request for pre-arrest bail and contends that the applicant, along with the co-accused, has actively engaged in the illicit activities and has been explicitly named by one of the victims. The learned APP further submits that the applicant's initial

request for pre-arrest bail was denied on 29 October 2024. Following this, the applicant filed a second application for anticipatory bail. On 2 April 2025, after considering the case, this Court expressed reluctance to grant relief, which led the applicant to withdraw his anticipatory bail request. The present application for pre-arrest bail is the third application, and there have been no changes in circumstances since the previous withdrawal. Furthermore, Mr Pednekar submits that since the withdrawal of the earlier anticipatory bail application, the applicant has remained unavailable for investigation. The applicant's custody is crucial for uncovering the entire extent of the crime and identifying potential victims. According to him, if the applicant is granted bail, there is a significant risk that he might tamper with evidence or exert undue influence over witnesses, jeopardising the integrity of the investigation.

5. This Court has given anxious consideration to the rival contentions and perused the record.

6. It is a well-established legal principle that filing a successive application for anticipatory bail is not prohibited. However, for such an application to succeed, the accused must demonstrate that there has been a significant change in the circumstances. A mere superficial justification for the change

would not suffice to warrant the approval of a subsequent application for pre-arrest bail. Further, the request can be denied summarily if the grounds presented in the previous application are reiterated in the subsequent anticipatory bail application. A profitable reference in this regard can be made to (i) GR Ananda Babu Vs State of Tamil Nadu and Anr., (2021) 16 SCC 725; (ii) Rani Dudeja Vs State of Haryana, (2017) 13 SCC 555; (iii) Bhisham Singh Vs State of Haryana, 2024 (3) Criminal CC 490; (iv) Imratlal Vishwakarma and Ors. Vs State of MP, 1997 (1) Crimes 289.

7. It is also a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant pre-arrest bail. There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine 282.

8. After perusing the records, it appears that the applicant

had earlier filed an Anticipatory Bail Application bearing (Stamp) No.22816 of 2024 before this Court on 25 October 2024, seeking relief under Section 438 of the CrPC in connection with the subject crime. Said application came to be dismissed by reasoned order dated 29 October 2024. Thereafter, the applicant preferred a successive anticipatory bail application being Anticipatory Bail Application No.902 of 2025, which was listed for hearing on 2 April 2025. During the course of hearing, upon this Court was expressing its disinclination to grant relief in the applicant's favour, the application was withdrawn by the applicant. Subsequently, the applicant has once again approached this Court by filing the present anticipatory bail application on 10 July 2025, seeking pre-arrest protection. A plain reading of the present application reveals that no new or substantial grounds have been raised that would merit reconsideration of the relief previously declined. There is an absence of any change in circumstances or fresh material that could justify invoking the Court's discretionary jurisdiction afresh. It is pertinent to note that the offence in question was registered on 12 October 2024, and ever since, the applicant has consistently evaded participation in the investigation process. Furthermore, the material on record, at this *prima facie* stage, point towards the applicant's involvement in the commission of the alleged offence. Granting

the applicant the relief of pre-arrest bail at this stage would hinder the course of an effective investigation. In light of the foregoing circumstances, this Court find no merit in the present application. Accordingly, the application stands rejected.

[R.N. Laddha, J.]