



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) No. 898 of 2025

1. Manish S/o Kailash Deshmukh
 2. Nitin S/o Ramesh Kokarde,
 3. Dilip S/o Dharmaraj Shahu,
 4. Vinod S/o Lahanuji Mohje,
 5. Kisan S/o Maniram Yesane.
- All R/o Nagpur

Versus

State of Maharashtra through Police Station officer, Police Station Khapa,
Tah. Saoner, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S.Dhore, Advocate a/w Shri Y.S.Bangale,
Advocate for the applicants.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 26th NOVEMBER, 2025.

1. Issue notice to the non-applicant, returnable
on **09.12.2025**.
2. Ms. Mrunal Barabde, learned Additional
Public Prosecutor waives service of notice for non-
applicant and seeks time to file reply. Time as sought is
granted.

3. The applicants have approached this Court seeking anticipatory bail in apprehension of their arrest in connection with Crime No. 0313/2025 registered at Police Station Khapa, District Nagpur, for the offence punishable under Section 143 of the *Bharatiya Nyay Sanhita, 2023*, read with Sections 3, 4, 5 and 7 of the *Immoral Traffic (Prevention) Act, 1956*.

4. The case of the prosecution, in brief, is that the informant received information regarding unlawful activities being carried out at a Resort. Pursuant to the said information, a police raid was conducted, during which eight women were found in Room No. 110 and condoms were found in Room No. 109, allegedly engaged in prostitution. Accused Nos. 1 to 4 were apprehended at the spot, and a report was thereafter lodged.

5. Learned counsel for the applicants submits that accused Nos. 1 to 4, against whom there were direct

allegations of involvement in prostitution activities, have already been granted regular bail by the Judicial Magistrate First Class, Nagpur, vide order dated 19.06.2025. It is further pointed out that this Court, by order dated 31.07.2025, has granted bail to accused No. 5, who was alleged to have brought the women to the said Resort for prostitution. It is contended that the provisions invoked particularly Sections 3, 4, 5 and 7 of the *Immoral Traffic (Prevention) Act, 1956*; primarily target persons who run, manage, procure, induce, or exploit individuals for the purpose of prostitution. The material collected during investigation, including the statements of the women found at the spot, does not attribute any such role to the applicants. In absence of any overt act showing that the applicants were involved in organising or promoting the illegal activity, their arrest or custodial interrogation is unwarranted. Learned counsel submits that the statements of all eight women do not attribute any overt role to the present applicants

and, in view of the fact that the co-accused have been granted bail, custodial interrogation of the applicants is not warranted.

6. Learned Additional Public Prosecutor, submitted that the investigation is ongoing and multiple persons were present at the premises during the raid, indicating a larger network of involvement. Custodial interrogation of the applicants may be necessary to determine their precise role, identify any links to the organization or facilitation of the alleged activities, and to ascertain whether they had any hand in procuring, inducing, or exploiting the women found at the resort. It is further argued that, without such interrogation, it would be difficult for the prosecution to fully unearth the extent of the applicants' involvement and to ensure a comprehensive investigation.

7. Upon perusal of the rival submissions and the material on record, this Court notes that the

applicants deny any role in organizing, managing, or facilitating the alleged prostitution activities. Learned Additional Public Prosecutor for the non-applicant/State, however, submits that custodial interrogation may be necessary to fully ascertain the extent of the applicants' involvement and to identify other connected persons, given the presence of multiple individuals at the spot during the raid. Considering the facts *prima facie*, the statements recorded of the women found at the premises, and the fact that co-accused similarly implicated in the alleged activities have already been granted bail, this Court is of the view that custodial interrogation of the applicants does not appear to be necessary at this stage. In the interest of justice, balance of liberty and investigation, the applicants are entitled to the benefit of ad-interim anticipatory bail, subject to strict conditions. Hence the following order:

I. In the event of arrest of the applicant in connection with Crime No. 0313/2025, registered with

Police Station Khapa, District Nagpur, under Section 143 of the Bhartiya Nyay Sanhita, 2023 read with Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956, the applicants shall be released on furnishing solvent surety of Rs.25,000/- each with PR bond of like amount.

II. The applicants shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation.

III. Interim protection shall operate till 09.12.2025.

[NIVEDITA P. MEHTA, J.]