



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 600 OF 2026

Ganesh Sitaram Kanade,
Age : 42 years, Occu. Labour,
R/o : At Post – Shirdi,
Nagar Manmad Road,
Laxmi Nagar, Tq. Rahata,
Dist. Ahilyanagar

... Applicant

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Shirdi Police Station,
Tq. Rahata, Dist. Ahilyanagar

... Respondent

...
Advocate for Applicant : Mrs. Sunita G. Sonawane
A.P.P. for Respondent/State : Mr. G.O. Wattamwar

CORAM : SHAILESH P. BRAHME, J.

DATE : 06.05.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.994 of 2025, registered with Shirdi Police Station, Dist. Ahilyanagar for the offences punishable under Section 3, 4, 5, 7, 8 of the Immoral Traffic (Prevention) Act, section 111, 143(3) of Bharatiya Nyaya Sanhita, 2023.

3. The applicant is arrested on 20.11.2025. Charge-sheet is filed on 16.02.2026.

4. A complaint is lodged on the basis of raid conducted by the Police squad on 19.11.2025 at Hotel Sai Sahara, Pimpalwadi Road, Shirdi after receiving secret

information. It was reported to the squad that the prostitution and illegal activities of human trafficking were being conducted in the premises concerned. The applicant and co-accused – Amol and the persons indulging in prostitution were found at the relevant time. The *panchanama* was conducted for having found objectionable material in the premises.

5. Learned counsel for the applicant submits that applicant is falsely implicated in the offence. He had taken over hotel before few days only. He was only present at the relevant time but unaware of the activities going on in the hotel. He is ready to abide by any stringent condition.

6. Per contra, learned APP would submit that applicant is a habitual offender and repeatedly indulging in such activity. My attention is invited to the order passed by the Sessions Court, rejecting his application, observing that there are five similar type of offences registered previously against him. My attention is adverted to the agreement executed by the owner of the property in favour of the applicant, to run the hotel. It is vehemently contended that by implication of section 111 of BNS, applicant is involved in a serious offence inviting maximum punishment of life imprisonment.

7. I have gone through the FIR and the relevant papers. Applicant was found to be present at the relevant time. He is proprietor of the hotel. The agreement executed on 12.11.2025, by the owner of the hotel in his favour, enabled him to run the hotel. The persons indulging in prostitution were also found but they were major. Objectionable material is found during search and seizure.

8. Applicant being the proprietor of the hotel, is expected to know the activities going on in the hotel. The ignorance, as projected by learned counsel,

cannot be countenanced. The victims have not made any complaint against the applicant. If the proprietor of the hotel indulged in such type of practices, then it is expected of the owner of the property, either to terminate the contract or to take legal action. The owner of the property has not been arraigned as an accused.

9. Considering the repetitive activities of the applicant, this Court is constrained to make observation that unless there is support of the other persons, it is not possible for the applicant to indulge in the illegal act. The implication of section 111 of BNS, would be a matter of objective scrutiny. Applicant is behind bars since 20.11.2025.

10. The antecedents against the applicant are eloquent but that cannot be the sole ground to deny him bail. This Court proposes to impose stringent conditions on the applicant.

11. I, therefore, pass the following order :

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. 994 of 2025, registered with Shirdi Police Station, Dist. Ahilyanagar for the offences punishable under Section 3, 4, 5, 7, 8 of the Immoral Traffic (Prevention) Act, section 111, 143(3) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.70,000/- (Rs. Seventy Thousand only) with one or two solvent sureties of like amount.

- (b) Applicant shall stay away from Shirdi and Rahata, till conclusion of the trial, save and except attending the Court at Rahata.
- (c) Applicant shall not indulge in such type of illegal activities in future otherwise the enlargement on bail, shall stand revoked automatically without reference to the Court.
- (d) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.
- (e) The applicant shall furnish his mobile/cell number and address to the investigating officer.
- (f) The applicant shall co-operate for expeditious disposal of the trial.
- (g) The applicant shall surrender Adhaar / PAN Cards, if any, to the Investigating Officer.

(SHAILESH P. BRAHME, J.)

arp/-