



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

CRIMINAL APPLICATION [ABA] NO. 857 OF 2025

SMT. ASHA BABU KALKHOR

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., LAKADGANJ, NAGPUR

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

Court's or Judge's Order

Mr. P. S. Chawhan, Advocate for the applicant.
Mr. Nitin R. Rode, A.P.P. for the non-applicant/State

CORAM : M. W. CHANDWANI, J.
DATE : JANUARY 21, 2026.

1. Heard Mr. P.S. Chawhan, the learned counsel appearing for the applicant and Mr. Nitin Rode, learned A.P.P. appearing on behalf of the State.
2. The applicant is apprehending her arrest in connection with Crime No. 531/2025 registered with Police Station, Lakadganj, Nagpur for the offences punishable under Sections 143(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956 (for short "the Act of 1956").
3. The learned counsel appearing for the applicant submitted that no role has been attributed to the applicant. The applicant is the owner of the premises where the raid was conducted by the police along with the personnel from the Social Welfare Department and found that the activities of prostitution were going on in those premises. All the documents with regard to the ownership

of the premises are collected. According to the learned counsel, the investigation is completed and charge-sheet has been filed. Nothing is required to be seized from the applicant and custodial interrogation of the applicant is not required. Hence, the learned counsel prayed for anticipatory bail.

4. The application is opposed by the learned APP on the ground that the applicant is the owner of the premises and she allowed her house property to be used as a brothel. Therefore, the applicant has active involvement in the present crime. According to the learned APP, earlier also various offences of similar nature were registered against the applicant. Hence, he prayed for rejection of the application.

5. Perusal of the charge-sheet reveals that a raid was conducted by the police station officer of Lakadganj Police Station along with the Crime Wing personnel from the Social Welfare Department on the premises and it was found that prostitution activities were going on. The raiding party rescued the victims and prepared panchanama. Thereafter, the FIR came to be registered for the aforesaid offences.

6. During investigation, it was revealed that the house in which the prostitution activities were going on was owned by the applicant. She was also arrayed as an accused in the said crime. Thus, the role assigned to the present applicant is that she allowed her house to be used for prostitution.

7. In the offences registered against the applicant earlier which are of similar nature, it is found that she allowed the premises to be used as a brothel. Be that as it may, the fact remains that the applicant has not been convicted.

8. The offence under Section 3 of the Act of 1956, which is attracted against the applicant provides for punishment of imprisonment for one year for the first conviction and three years in case of second or subsequent conviction. The documents with regard to the ownership of the house are already seized. The charge-sheet has been filed. As such, no purpose will be served even if custodial interrogation of the applicant is done. Therefore, custodial interrogation of the applicant is not necessary.

9. Considering the role attributed to the present applicant and the punishment provided for the offence punishable under Section 3 of the Act of 1956, the application deserves to be allowed.

10. Accordingly, the criminal application is allowed.

11. In the event of arrest of applicant – Smt. Asha Babu Kalkhor in connection with Crime No. 531/2025 registered with Police Station, Lakadganj, Nagpur for the offences punishable under Sections 143(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956, she be released on bail on furnishing a PR bond of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in the

like amount.

12. The applicant shall attend Police Station, Lakadganj, Nagpur as and when directed by the Investigating Officer and cooperate with the investigation.

13. The applicant shall neither pressurize the prosecution witness nor tamper with the prosecution evidence in any manner.

(M.W.Chandwani, J.)

Diwale