

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (ABA) NO. 936 OF 2025**

(Pritesh Gajanan Burle Vs. State, thr PSO, PS Bramhapuri, Dist. Chandrapur)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. Atharva Khadse, Advocate for applicant.  
Mr. N.R. Rode, APP for non-applicant/State.

**CORAM : M.W. CHANDWANI, J.**  
**DATE : 14.01.2026.**

Heard.

2. The applicant is apprehending arrest in connection with crime No. 573/2025, registered with Police Station, Bramhapuri, District Chandrapur, for the offences punishable under Sections 3,4,5 and 7 of the Immoral Traffic (Prevention) Act, 1956 ("PITA", for short).

3. The allegations are that the complainant, by sending a decoy customer in the spa owned by the applicant, conducted a raid on 22.11.2025 and found that under the garb of a massage centre, the activity of prostitution was being carried out. The victims were rescued and therefore, the aforesaid offences came to be registered against the applicant and the co-accused i.e. the manager. During the course of investigation, statement of the victims came to be recorded.

4. It is contended by the learned counsel for the applicant that the applicant was not aware about the alleged activities. There is no exploitation of the victims at the hands of the applicant and therefore, the offences under Sections 4,5 and 7 will not be applicable. The submission is that at the most the applicant can be said to have committed the offence under Section 3 of the PITA for using the premises as a brothel which provides punishment for one year in case of first conviction. Further, it is submitted that the co-accused has already been arrested and everything has been seized. Therefore, nothing is required to be seized from the applicant. Hence, the learned counsel submits that the applicant is entitled for anticipatory bail.

5. Learned counsel for the applicant has placed reliance on the decisions of this Court in Anticipatory Bail Application 2841/2025 (Principal Bench), Criminal Application (ABA) 2137/2019 (Principal Bench), Anticipatory Bail Application 114/2022 (Principal Bench), Anticipatory Bail Application 1003/2025 (Aurangabad Bench) and ABA No. 1554/2023 (Aurangabad Bench), wherein this Court has protected the owner of the spa by granting ad interim protection. Reliance is also placed on the judgment of the Hon'ble Supreme Court in the case of ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others (2011)1 SCC 694.***

6. Per contra, learned APP vehemently submitted that

the statement of the victim reveals that the applicant is not only involved in the prostitution business but he was also accepting the amount of 3,000/- which came from the customers and paid Rs. 1,000/- to the victim. Therefore, there is active involvement of the applicant in the offence and hence, he prayed for rejection of the application.

7. Having heard the learned counsels for both the parties and having gone through the case diary, it is revealed that on 22.11.2025, on receipt of secret information, the complainant PSI of Brahmapuri Police Station sent a decoy customer, who found the victim girls indulged in the business of prostitution. Hence, a raid was conducted and detailed panchanama was drawn. The panchanama prima facie reveals that the activities of prostitution were going on in the said spa namely My Helthpro Spa and Wellness Centre. The statements of the witnesses reveal that the manager of the spa used to run the spa. Record shows that the present applicant made residential arrangements for the victims to stay. It is further revealed that on the say of the applicant and manager, services of prostitution were provided by the victims. Rather, there is specific statement of the victim that the applicant has brought her in the spa centre and on the say of the applicant, she was doing prostitution activities. Therefore, it prima facie appears that there is involvement of the applicant in the crime.

In view of the material mentioned above, the

submission that other sections will not be applicable is misplaced. The offences under Sections 4,5,7 are punishable with imprisonment upto 14 years. Various aspects are required to be unfold by the prosecution which can only be done during the custodial interrogation of the applicant.

8. So far as the reliance placed by the applicant on the decisions of this Court while granting anticipatory bail is concerned, let me state here that hardly can there be a binding precedent in criminal matters because criminal matters have to be decided on the basis of facts and circumstances of each case. The judgments of this Court relied upon by the applicant do not depict active involvement of the applicants therein, particularly accepting the income which came from the business of prostitution and therefore, those cases will not be helpful to the applicant.

9. Considering the decision of ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others*** relied upon by the applicant, more particularly, para 12 of the judgment vis-a-vis nature of offence and the allegations levelled against the accused, when active role has been prima facie established by the prosecution, no case is made out for grant of anticipatory bail. Hence, the application is rejected.

**JUDGE**

*Belkhede*