



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

CRIMINAL APPLICATION [BA] NO. 173 OF 2026.

Kanchan Bhagwanji Nimje.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.H. Rawlani, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 10, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.566/2025 registered with Beltarodi Police Station, Nagpur for the offence punishable under Sections 143[2], 143[3] of the Bhartiya Nyaya Sanhita (BNS) and Sections 3, 4, 5 and 7 of Prevention of Immoral Traffic Act (PITA).

3. The first information report in the matter came to be lodged by one Laxman Choure, B.C.No.1563 working

with Crime Branch, Nagpur alleging that on 09.10.2025 secret information was received that one lady was running the business of prostitution by inducing young girls by providing financial aid, and was supplying girls to customers. On the basis of this information, a raid was conducted by placing funters, who approached the applicant. The applicant in turn called them at Pramila Prakash Hotel in Room No.4001. The applicant was waiting at the reception counter. In hotel room no.4001 one girl was found and in room no.4004 two girls were found. Accordingly the first information came to be registered. The applicant was arrested.

4. The learned Counsel for the applicant submits that statements of victims are contrary to each other, as on one hand they have narrated the history that they were taken to the hotel for medical examination and on the other hand they stated that they went to hotel for the purpose of dance class. One of the victim has narrated that she is 27 years of age, her sister is a dancer and conducts stage shows, and they went to the hotel to have talks regarding work. As they wanted to go to the washroom, the receptionist told them to go to the room

at 4th floor and at that time raid was conducted. The learned Counsel submits that statements of victims came to be recorded after medical examination and that too after three days of the date of incident. The first information report was registered on 10.10.2025, whereas the statements are recorded on 13.10.2025. The applicant is not a habitual offender and not even a single crime of similar nature is registered against her. All the victims are major, and therefore, considering the fact that the applicant is languishing in jail since 10.10.2025, further the fact that investigation is complete and charge sheet is filed, she be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposed the application by submitting that the applicant was caught red-handed, she is in the habit of involving girls to do the business of prostitution in the hotel on payment of money. Statements of three victims, who were found at the hotel, came to be recorded and they have supported the prosecution case. It is submitted that victims have narrated entire story, as the applicant had promised them to provide more money, and therefore, they had indulged in business of prostitution. He

further submits that the applicant has forwarded photographs of victims and similarly situated girls to the customers. Reliance is placed on the judgment of this Court (Principal Seat) in case of **Freedom Firm .vrs. Commissioner of Police, Pune and others - Criminal Public Interest Litigation No.4/2015 dated 30.10.2015**, wherein the Division Bench of this Court has laid down certain guidelines, and submits that considering the active and main role of the present applicant, she may not be released on bail.

6. I have considered the rival contentions of the parties. This Court in case of Freedom Firm (supra), has laid down certain guidelines, which are as follows - bail should be denied to habitual offenders [traffickers], antecedents should be considered; bail should be refused to brothel owner until the brothel is closed and sealed under Section 18 of the IPTA; bail should be denied if the victim is minor, except in case of any extraordinary, compelling or special circumstances; bail should also be denied in case of violent offence which could be seen from statements of the victims and witnesses. It further lays a condition that bail upon stringent conditions [if at all] be

granted to the trafficker or the brothel owner only after the statement of the victim is recorded under Section 164 of the Code of Criminal Procedure. Apart from above, there are other guidelines framed. However, so far as for deciding the present application, the above guidelines would be useful.

In the present case the applicant has called three victims at the hotel and asked them to do the business of prostitution. On raiding the hotel, three victims were found in the hotel rooms and present applicant was found at the reception counter. It appears that all the victims are major. So far as the above guidelines are concerned, in the present case the applicant cannot be said to be a habitual offender, as there is no other offence registered against her under the ITPA. There is one offence registered under Section 420 of the Indian Penal Code in the year 2024. Even this offence is not under the ITPA. The other consideration would be that all the victims are major, and considering this fact, coupled with the fact that the victims have narrated a different story before the medical officer, wherein it is stated that the victims went to talk regarding availability of work at the hotel, as sister of one

of the victim was dancer. It is further stated that they wanted to go to the washroom, and therefore, went to one empty room and immediately the raid was conducted. No doubt at this stage it is not necessary to go into the truthfulness of the allegations. Considering the above facts and circumstances, and the guidelines laid down by this Court in case of Freedom Firm [supra], I am inclined to grant bail to the applicant, as investigation is complete, charge sheet is filed and there is no similar offence registered against the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Kanchan Bhagwanji Nimje be released on regular bail in connection with Crime No.566/2025 registered with Beltarodi Police Station, Nagpur for the offence punishable under Sections 143[2], 143[3] of the Bhartiya Nyaya Sanhita (BNS) and Sections 3, 4, 5 and 7 of Prevention of Immoral Traffic Act (PITA) on her furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.

- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide her residential address and cell number to Police Station concerned and shall not change her place of residence without prior intimation to the Investigating Agency.
- (v) The accused shall attend each and every date of trial regularly. If she fails to attend the trial for one date, or fails to comply with the aforesaid conditions, her default would entail the State to ask for cancellation of bail.
- (vi) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE