



MHCC050065162021

IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.

ANTICIPATORY BAIL APPLICATION NO.1813 OF 2021

IN

C.R.NO.1207 OF 2021

Krishna Narayana Shetty,
Age 35 years Occu.: Business,
R/a Room No. 504-A/1.
New Tulsi Tower, Saibaba Nagar,
Near White House, Mira-Bhyandar
Mira Road(East), Thane 401 107.

...Applicant/Accused.

V e r s u s

**The State of Maharashtra
(Andheri Police Station)**

...Respondent.

Shri.Ramesh Mishra Advocate for the Accused.
Miss R.S.Kanojia A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division Dindoshi.
(C.R.NO.15)
Dt.21st December, 2021.

O R D E R

1. The present application is filed by the applicant/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.3. Heard the learned advocate for the accused Shri Ramesh Mishra & the learned A.P.P Miss R.S.Kanojia for the State. I have gone through the case papers, say of the police & the case diary. It is seen that the present applicant/accused along with the other accused alleged to have been committed the offences punishable u/s 188, 308, 269, 294 & 114 r/w 34 of The I.P.C & 8(4),8(5) and 8(6) of The Maharashtra Prohibition of Obscene Dance in Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 which is registered vide Crime No.1207/2021 at P.S.Andheri, Mumbai.

2. It is pertinent to note here that the report Dt.12.12.2021 alongwith the spot cum seizure panchnama and the statements of the witnesses clearly show that the police raided the Deepa Bar & Restaurant on 12/12/2021 at 6.00 P.M wherein they found 17 girls were kept in small room in cavity etc which were involved in Obscene Dance etc. No doubt, the Investigation Officer has prepared the Spot-Cum-Seizure panchnama and arrested the accused who were present on the spot including the said girls. Moreover, the Learned Metropolitan Magistrate has released all the accused.

3. It is to be noted here that the role of the present accused in the said incident is only he is one of the partner of the said Deepa Bar & Restaurant but the prosecution has not collect any material to show that the present accused was actively involved in day-to-day business of the said Deepa Bar & Restaurant. However, the Bail Application of the other partner namely Mitesh Jaywant Jadhav who was looking after the day-to-day business is rejected. There is no active role of the present

accused found in the said crime but the present accused seems to be a sleeping partner in the said business.

4. Needless to say that the present accused is the permanent resident of Room No. 504-A/1, New Tulsi Tower, Saibaba Nagar, Near White House, Mira-Bhyandar, Mira Road(East), Thane 401 107 and the Investigation Officer has already made the seizure and recorded the statements of the witnesses etc whereby almost all the investigation is completed and thus the presence of the accused and the custodial interrogation of the accused by the investigation is not extremely needed and no prejudice would be caused to the case of the prosecution. However, the purpose of the prosecution would be solved if some reasonable conditions are imposed upon the present accused while granting the bail.

5. In such circumstances, I am of the view that this is the fit case in which the Anticipatory bail can be granted to the applicant/accused by invoking the provisions laid down u/s 438 of The Cr.P.C. Hence, I proceed to pass the following order.

ORDER

The application is hereby allowed.

The applicant/accused **Krishna Narayana Shetty** be released on bail in the crime bearing No.1207 of 2021 u/s 188, 308, 269, 294 & 114 r/w 34 of The I.P.C & 8(4),8(5) and 8(6) of The Maharashtra Prohibition of Obscene Dance in Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act,

2016 registered by Andheri Police Station on furnishing P.R.Bond of Rs.15,000/-(Rs.Fifteen Thousands only) in the event of the arrest.

The applicant/accused shall not tamper with the prosecution evidence in any manner & remain present on every Monday between 11.00 A.M. to 5.00 P.M before the I.O at Andheri Police Station.

(A.Z.Khan)

Additional Session Judge
Borivali Div, Dindoshi.

Date :- 21.12.2021.

Dictated on : **21.12.2021.**
Typed on : **21.12.2021.**
Signed on : **21.12.2021.**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

21.12.2021 at 3.51 P.M.

(Sushama.S.Chudji)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.15)
---	---

Date of Pronouncement of JUDGMENT/ ORDER	21.12.2021.
--	-------------

JUDGMENT/ORDER signed by P.O. on	21.12.2021.
----------------------------------	-------------

JUDGMENT/ORDER uploaded on	21.12.2021.
----------------------------	-------------