

MHTH230012862026  <u>Spl.Case/179/2026</u>	ORDER IN Spl. Case No.179/2026 CRI. BAIL APPLICATION EXH.5 Kiran Bhanji Makhawana.Applicants. Vs. State of Maharashtra, (Naigaon Police Station).Respondent.
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ORDER BELOW EXHIBIT 05

(Date: 01/07/2026)

This is an application for Regular bail u/s.483 of BNSS, 2023 filed by accused/applicant **Kiran Bhanji Makhawana** for releasing him in C.R. No.222/2026 of Naigaon Police Station for the offences punishable under Sections 96, 98, 143(3), 143(4), 144(4) r/w. 3(5) of BNS, 2023, Sec.3, 4, 5, & 6 of the Immoral Traffic (Prevention) Act, 1956 (PITA Act), Sec. 12,17 & 18 of Protection of Children from Sexual Offences Act, 2012 and 81, 87 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sec. 65(E) of Maharashtra Prohibition Act.

2] **The prosecution case in brief is as under :-**

Police Constable of Crime Detection Branch Room No.1 Kashimira lodged report. On 26/02/2026 Naigaon Police Station stating therein that upon receiving secret information that the prostitution work is going on at Hotel Selfie Dhaba lodging and Boarding, Mumbai Ahmadabad Highway, Sasunavghar, Tal. Vasai, Dist Palghar. The Crime Detection Branch raided that spot and rescued nine victims from the spot and found involvement of in all nine accused persons. The accused had allegedly worked as pimp/tout and dragged the

victims for commercial prostitution and they were living on the earning prostitution of victims. One of the victim is minor. therefore, report came to be lodged to Naigaon Police station for necessary action.

3] It is submitted on behalf of applicants/accused that he is innocent and has not committed any offence as alleged by the prosecution. The accused came to be arrested on 10/03/2026 from Rajasthan and remanded to Police custody. He is arrested on the ground that he is the owner of the premises raided by police raiding party i.e. Hotel Shetty Dhaba Lodging and Boarding, Sasunavghar, Tal. Vasai, Dist. Palghar. However, accused never conspired with other accused and not facilitated prostitution activities in said premises. During inquiry, police recovered, photocopy of Leave and License Agreement dated 16/12/2022 executed in between the present accused as owner and one Babulal Paswan as Licencee for the period from dated 01/09/2022 to 31/08/2025. It is crystal clear that the accused has rented said premises to other person and therefore, he is not aware of any such activities allegedly conducted from said premises. Even the charge-sheet shows that this accused was not running any business and was not present in said premises at the time of raid. Therefore, accused being innocent, deserves to be released on bail.

4] Present accused person is detained in Jail custody merely on suspicion. There is no previous case history of accused. He is not involved in any type of immoral trafficking. The victim's statement U/s.183 of BNSS are already recorded,

Panchanamas are drawn and medical examination of victim's over. Accused is no more required for any sort of investigation. Accused is ready to furnish surety. He undertake not to tamper with prosecution witnesses. He will not jump the bail to flee away from justice. No purpose would be served by keeping accused behind bar so long. Hence, accused be released on regular bail.

4] I.O. has filed his say below Exh.06 and strongly opposed the application. Ld. APP has also replied the application and opposed the relief of grant of bail. It is submitted that accused is the owner of Selfie Dhaba wherefrom many victims are rescued with regard to the business activity of immoral trafficking. He was well aware of the nature of activities going on from said premises. One of the victim is minor. The accused has not obtained any license or permission for running Hotel Activities from said premises. During investigation it comes on record that the accused has worked as pimp and dragged innocence victims in the business of prostitution in collusion with other accused persons. The possibility of abscondence and tampering cannot be over ruled. Hence, he prayed for rejection of bail application.

5] One of the victim appeared and strongly opposed the bail application.

6] I have gone through the record of the case. It transpires that in the present matter, investigation is complete and Charge-sheet is filed on record. It is undisputed that the

present accused is the owner of premises wherefrom the prostitution activity was allegedly conducted. The accused has spoken about recovery of the copy of Leave and License Agreement dated 16/12/2022. However, he did not firmly state that he gave said premises on Leave and License Basis to other persons. The original copy is also not produced on record. In such circumstances, it cannot be firmly determined at this juncture that premises of raid was given on Leave and License Basis to other accused by present accused and he is not at all involved in the Immoral Trafficking of victims. Moreover, it is not a proper stage to determine and arrive at the conclusion about the knowledge of accused about use of his premises as brothel. It will require evidences on merit. Above all we cannot neglect the fact that one of the victim has strongly opposed the bail application. If this accused have no connect, ion with said business activity, there was no reason for the victim to object the bail application.

7] The offences involved in this case relates to Prevention of Immoral Trafficking Act under which immoral trafficking has been dealt with seriously. While dealing with the bail application for offences under PITA Act, Court must consider the factors like seriousness off offence, nature of evidence in existence, severity of punishment, the character, behaviour, means and standings of accused, the circumstances peculiar to the accused, the reasonable possibility of securing the presence of accused at the time of trial and the fact that accused is habitual and involved repetitive offences. The

offences are of serious in nature. There are number of victims rescued in this crime. There is possibility of having racket of offenders involved in Immoral Trafficking. Charge-sheet is filed on record. In said circumstances, there is every possibility of accused person fleeing away from justice. There is no specific report about the character and standing of accused, hence, looking to this circumstances, I hold that it is not fit case to release the accused persons on bail.

8] Hence, the following order;

ORDER

1.	Application is rejected.
2	Inform concerned police station accordingly.
3	Applicant be informed about this order by e-mail through Superintendent, District Prison, Thane.
	(Order is dictated and pronounced in open Court).

Vasai.

Date : 01/07/2026.

(A. H. Kashikar)

Addl. Sessions Judge, Vasai.