

MHCC050039142026



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

ANTICIPATORY BAIL APPLICATION NO.1142 OF 2026
IN
(C.R. NO.: 860/2026 OF DAHISAR POLICE STATION)

1. Kailas Ketan Das

Age: 43 years,
Add: 506, 5th floor, Prathvi Pride CHS LTD,
Mira Road (East),
Thane-401107.

2. Jaya Koti Poojari

Age: 62 years,
Add: A/602, Anvenue CHSL, Manali Apt.,
Mashacha Pada Road, Kashi Gaon, Near Sai
Krupa Complex, Kashmirira, Mira Road (East),
Mira-Bhaynader, Thane-401107.

... Applicants

V/s.

The State of Maharashtra

(Through, Dahisar Police Station)

... Respondent

For applicants: Advocate Shri Ajinkya N. Pokharkar.

For State/Respondent: APP Ms.Poornima Rathod.

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
SHRI B. D. PAWAR (C.R.NO.14)

Date : 12th August, 2026.

:: ORDER ::

The applicants have filed this application under Section

482 of The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for anticipatory bail in connection with Crime No.860 of 2026, registered with Dahisar Police Station for the offences punishable under Sections 54, 110, 223, 296 read with Section 3(5) of The Bharatiya Nyaya Sanhita, 2023, Sections 3, 8(1), 8(2), 8(4) of The Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants, Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016 and Section 131(1) of the Maharashtra Police Act.

2. Read application and say filed by the Investigating Officer and APP at Exh.03 and 04. Heard Advocate Shri Pokharkar for the applicants and APP Ms.Rathod for the State.

3. Advocate Shri Pokharkar submitted that, applicants apprehend arrest in C. R. No.860 of 2026, registered with Dahisar Police Station. The applicants are innocent and falsely involved in the crime. Hence, the applicants have filed this application for anticipatory bail.

4. Advocate Shri Pokharkar submitted that, on report lodged by informant Police Constable Ajit Kundalik Dhage, attached to Dahisar Police Station, above crime is registered to Dahisar Police Station. The informant stated in the report that on 08.06.2026, the establishment namely "Samudra Bar and Restaurant", at Tare Compound, near Dahisar Check Naka, Dahisar (E), Mumbai was raided and it was found that women are employed for performing dance without permission. He also stated that in one room, 13 women were confined in suffocating atmosphere.

5. Advocate Shri Pokharkar submitted that, names of applicants are not mentioned in the report. The applicants were not present when the establishment was raided by the police. Despite it, applicants received call from Police Station to remain present there.

6. Advocate Shri Pokharkar submitted that, the investigation of the offence is completed and charge-sheet is filed. Therefore, physical custody of the applicants is not necessary for investigation of the offence.

7. Advocate Shri Pokharkar submitted that, say filed by Investigating Officer shows that on the statement of co-accused Shankar Sujan Das and Deepak Madan Chand, it revealed that applicant no.1 Kailas Das was working as Manager in the establishment and applicant no.2 Jaya Poojari has financed the establishment. However, the statements of Shankar Sujan Das and Deepak Madan Chand are not included in the charge-sheet. This shows that there is no evidence against the applicants.

8. Advocate Shri Pokharkar submitted that, the allegations against accused Shankar Sujan Das and Deepak Madan Chand are similar to the allegations against the applicants. They both are granted bail by Hon'ble Bombay High Court in Bail Application Nos.2863/2026 and 2875/2026. The copy of order is produced on record. Therefore, on ground of parity, the applicants are entitled to claim anticipatory bail. Therefore, applicants may be granted anticipatory bail and they will abide by the conditions imposed.

9. APP Ms. Rathod submitted that, the applicants are involved in commission serious offence. Since the date of offence, both applicants are absconding. Their physical custody is necessary for investigation of the offence. Hence, application may be rejected.

10. I have gone through the report lodged by the informant Police Constable Ajit Kundalik Dhage. Informant stated that on 08.06.2026, information was received in Dahisar Police Station that in the establishment namely "Samudra Bar and Restaurant", women are employed for performing obscene dance. He stated that the establishment was raided in presence of panchas. In the hotel, it was found that women were performing obscene dance before the customers. 21 women were found in the establishment. Informant further stated that in one room, 13 women were found confined in suffocating atmosphere.

11. The say filed by Investigating Officer shows that the applicants are absconding from the date of offence. Copy of charge-sheet is filed on record. In the charge-sheet, both applicants are shown as absconding. I have gone through the order dated 05.08.2026 of Hon'ble Bombay High Court in Bail Application Nos.2863/2026 and 2875/2026. In that case, both applicants were arrested and their application for bail was rejected. In this case, the applicants are not arrested. Investigating Officer stated that both applicants are absconding. Therefore, ground of parity is not available to the applicants for anticipatory bail.

12. Say filed by Investigating Officer shows that the applicant

no.1 Kailash Ketan Das was working as Manager in the establishment. It is alleged that applicant no.2 Jaya Poojari financed the establishment. The affidavit filed by applicant no.2 in support of the application shows that six crimes are registered against him to Dahisar Police Station for the offences punishable under Section 294 and other sections of Indian Penal Code. In such circumstances, I am of view that applicants cannot be granted anticipatory bail. Hence, I pass the following order :-

ORDER

Anticipatory Bail Application No.1142 of 2026 is rejected and disposed off.

(B. D. PAWAR)

Additional Sessions Judge
Borivali Div., Dindoshi,
Mumbai.

Date : 12.08.2026

Dictated on Computer : 12.08.2026
Corrected and Signed on : 12.08.2026

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

Date : 12.08.2026

Mr. Umesh G. Jadhav

Time : 05.30 P.M.

(Stenographer Grade-I)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court Room Number)

SHRI. B. D. PAWAR
Court Room No.14

Date of Pronouncement of JUDGMENT/ ORDER

12.08.2026

JUDGMENT/ORDER signed by P.O. on

12.08.2026

JUDGMENT/ORDER uploaded on

12.08.2026