

MHCC050061372022



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

**ANTICIPATORY BAIL APPLICATION NO.1841 OF 2022**  
**IN**  
**C.R.NO.881 OF 2022**

**Shri. SUDHIR CHARAK,**  
**S/o :SATPAL SINGH CHRAK,**  
Aged : 44 years, Occu: Service,  
Residing at : Room No.16,  
Nav sonarbala Building,  
Turner Road, Near Tanishq  
Show room, Bandra (west),  
Mumbai-400 050.

**...Applicant/accused.**

**V e r s u s**

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

**...Respondent.**

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Shri S.G.Nadar, Advocate for the Applicant/accused.  
Shri Sachin Jadhav, A.P.P for the State.  
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**CORAM : A.Z.KHAN,**  
**Additional Sessions Judge,**  
**Borivali Division, Dindoshi, Mumbai.**  
**(C.R.NO.09)**  
**Dt.06<sup>th</sup> December, 2022.**

**ORDER**

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 Shri S.G.Nadar for the applicant/accused & the learned A.P.P Shri Sachin jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alongwith the other accused alleged to have been committed the offences punishable u/s 370(3) r/w 34 of The Indian Penal Code alongwith 3, 4 & 5 of the PITA Act in C.R No.881 of 2020 wherein the offence is registered in Amboli Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely WPC Pritam Sunil Yadav Dt.08/11/2022 & the statements of the witnesses and the seizure panchanma etc shows that the complainant who is the Women Police Constable alongwith the other staff raided the spot on 07/11/2022 at about 06.45 P.M at American wellness, Shop No.1403, 14th floor, Aston Building, Shastrinagar, Lokhandwala, Andheri (West), Mumbai and found that the other accused being the manager of the Spa Namely American Wellness alongwith the present applicant/accused were doing the business of the prostitution through the girls whereby the complainant arrested the other accused and prepared the spot cum seizure panchnama and took the custody of the girls from the spot.

3. Obviously, the alleged raid was effected by the

complainant on the basis of the customer and arrested the other accused. No doubt, the present applicant/accused is absconding since the day of the incident but he is the main accused who was running the said spa illegally. The offence is serious and against the woman trafficking and the business of the prostitution and there are several aspects involved in the present case whereby the custodial interrogation of the applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit.

4. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

**ORDER**

The application is hereby rejected.

**(A.Z.Khan)**

Additional Session Judge,  
Borivali Div, Dindoshi,  
Mumbai.

**Date :- 06.12.2022.**

Dictated on	: 06.12.2022.
Transcribed on	: 06.12.2022.
Checked and Signed on	: 06.12.2022.

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

**06.12.2022 at 06.00 P.M.**  
**UPLOAD DATE AND TIME**

**Ashok S. Sugdare**  
**NAME OF STENOGRAPHER**

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN</b> <b>(C.R. NO.09)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>06.12.2022</b>
JUDGMENT/ORDER signed by P.O. on	<b>06.12.2022</b>
JUDGMENT/ORDER uploaded on	<b>06.12.2022</b>