

girls/victims who are claiming themselves to be victim now have to be considered as abettors of the said crime as it is not possible for the owner of the guest house to check the antecedents of each and every guest who is coming to the guest house and moreover there is variation in the statements made by the girls before the police officials and later before the learned Magistrate. Hence, the petitioner should be granted the concession of anticipatory bail.

3. Per contra, learned State counsel has vehemently argued that the petitioner is the owner of the said guest house and he cannot run away from the responsibility as the said co-accused Manager Kamal was employed by petitioner himself. Learned State counsel further submits that the Manager is also on the run and, therefore, any concession granted to the petitioner would adversely affect the investigation and the custodial interrogation of the petitioner would be of much importance to uncover the entire cartel which was being run by him.

4. Heard learned counsel for the parties.

5. Considering the fact that the petitioner is the owner and was running the guest house in which such immoral activities were going on, he cannot be permitted to run away from his liability by merely submitting that the petitioner was not aware of what was happening in his property. Moreover, in the statement made before the Magistrate, the girls/victims admitted that they were involved in flesh trade business. Be that as it may, the petitioner cannot be granted the benefit of anticipatory bail when the investigation is at the preliminary stage. Finding strength from the settled

principle of law as held by the Hon'ble Supreme Court of India in the case of "*CBI Vs. Anil Sharma*", (1997) 7 SCC 187, the relevant extract is reproduced as under:

" We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders."

5. In light of the facts, circumstances and settled principle of law, the custodial interrogation of the petitioner would be of grave importance, at this stage, to ensure that the investigation in this case comes to its logical end.

6. Accordingly, the Court does not find any reasonable ground to grant the extra ordinary concession of anticipatory bail to the petitioner, hence, the same is dismissed.

6. In view of the above, the present petition is dismissed.

(ALOK JAIN)
JUDGE

26.08.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

2025.PHHC: 113294



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