

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MAY 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4281 OF 2022

BETWEEN

PRAKASH SHARMA

...PETITIONER

(BY SRI UMA SHANKAR M.N., ADVOCATE)

AND

STATE BY MARATHAHALLI POLICE STATION,
BENGALURU.

REPRESENTED BY PUBLIC PROSECUTOR,
HCGP/S.P.P.,
BENGALURU – 560 001.

...RESPONDENT

(BY SRI MAHESH SHETTY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION
439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON
BAIL IN CR.NO.40/2022 (C.C.NO.52244/2022 ON THE FILE
OF THE XXI ADDL. CITY CIVIL AND SESSIONS JUDGE AND
PRL. SPL. JUDGE FOR CBI CASES, BANGALORE (CCH-4))

OF MARATHAHALLI P.S., BANGALORE FOR THE OFFENCE P/U/S 370 OF IPC AND SECTIONS 3, 4, 5, 6 OF ITP ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner in Crime No.40/2022 of Marathahalli Police Station for the offences punishable under Section 370 of Indian Penal Code (IPC for short) and Sections 3, 4, 5, 6 of Immoral Traffic Prevention Act, 1956.

2. Heard learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the respondent - State.

3. The factual matrix of the case of the prosecution is that the petitioner herein and accused No.2 both of them secured CWs.4 and 5 stating that they would get the job and also persuaded them that they are going to give more amount and accused No.2 contacted the customers over the phone and indulging CWs.4 and 5 for

prostitution and they used to collect money and based on information, raid was conducted and brothel was running in Berry's hotel and accused No.2 was running the same and this petitioner also taken to custody and an amount of Rs.1,000/- was recovered from the petitioner herein and mobile was also seized from CWs.4 & 5. Hence, the police have registered a case against the petitioner herein and also other accused.

4. Learned counsel for the petitioner would submit that the very complaint itself discloses that this petitioner was working as receptionist in the hotel and specific allegation is made against accused No.2 that he was running brothel and he used to contact customers and this petitioner being employed in the hotel and no specific allegations are made against this petitioner by CWs.4 and 5, who are victims and hence, petitioner may be enlarged on bail.

5. *Per contra*, learned High Court Government Pleader appearing for the respondent-State would submit case has been registered and the matter is also investigated and charge sheet has also been filed and the allegation is that the petitioner was making arrangements to subject the victims for sexual act and though allegation is made against accused No.2, but this petitioner was helping accused No.2 to run brothel and there is prima-facie case against this petitioner. Hence, he prays to dismiss the petition.

6. Having heard the learned counsel appearing for the petitioner and also learned High Court Government Pleader appearing for the State and perusal of materials available on record particularly in complaint an allegation is made that police have conducted raid after receiving credible information and have rescued several victims at the spot and this petitioner admittedly working as a receptionist in the hotel and allegation is made against accused No.2 that he used to procure customers over

phone and victims who have been found in the hotel also made statement against accused No.2 and only they say that this petitioner also taken to custody and no specific allegations are made against this petitioner. Taking note of the allegation made against this petitioner and gravity of offence and also allegation is made against accused No.2 but not against this petitioner and except presence of this petitioner was found in the hotel, no other allegations are made against this petitioner, this is a fit case to exercise the power in favour of the petitioner.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner-accused No.1 shall be released on bail in connection with Crime No.40/2022 of Marathahalli Police Station, registered for the offences punishable under Section 370 of Indian Penal Code (IPC for short) and Sections 3, 4, 5, 6 of

Immoral Traffic Prevention Act, 1956, subject to the following conditions:

- (i) The petitioner shall execute his personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioner shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.
- (iv) The petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Court till the case registered against him is disposed of.

Sd/-
JUDGE

NMS