NC: 2023:KHC:29705
CRL.P No. 7313 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7313 OF 2023

BETWEEN:

1. MR PRASHANTH K.S
S/O K.T. SHRINIVASA,
AGED ABOUT 33 YEARS,
RESIDING AT JP NAGAR,
KAMMARADI VILLAGE,
AGUMBE, THIRTHAHALLI TALUK,
SHIVAMOGGA - 577 125.

2. MR MANJUNATHA M
S/O MANIVELU,
AGED ABOUT 37 YEARS,
RESIDING AT MELINAKURUVALLI,
THIRTHAHALLI TALUK,
SHIVAMOGGA - 577 432.

...PETITIONERS

(BY SRI ARIKESARI K.K, ADV.)

Digitally signed by NANDINI MS
Location: High Court of Karnataka

AND:

THE STATE OF KARNATAKA
BY THIRTHAHALLI POLICE STATION,
REPRESENTED BY ITS SPP
HIGH COURT O KARNATAKA,
BENGALURU 560 001.

...RESPONDENT

(BY SMT. SOWMYA R, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.118/2023 REGISTERED BY THIRTHAHALLI POLICE STATION, SHIVAMOGGA FOR THE OFFENCE P/U/S 370 AND 370(A) R/W 34 OF IPC AND SECTION 3 AND 4 OF IMMORAL TRAFFIC PREVENTION ACT, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., THIRTHAHALLI.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Accused nos.1 & 2 in Crime No.118/2023 registered by Thirthahalli Police Station, Shivamogga District, for the offences punishable under Sections 370, 370A, 34 IPC and Sections 3 & 4 of the Immoral Traffic Prevention Act, 1956, are before this Court seeking regular bail.

2. Heard the learned Counsel for the parties.

3. On the basis of the complaint lodged by the Deputy Superintendent of Police, Thirthahalli Sub-Division, Thirthahalli police have registered FIR in Crime No.118/2023 against the petitioners and another for the aforesaid offences.

4. In the complaint, it is stated that on 22.06.2023, the complainant had received credible information regarding running of a brothel in the house of Nagarathna, near U.R.Ananthamurthy College, Thirthahalli and based on the information, the Police Inspector of Thirthahalli Police Station along with his staff had raided the aforesaid house belonging to Nagarathna and had arrested the accused persons and had also

given protection to three ladies who were found in the house. The accused who were arrested and the ladies who were protected were brought to the police station, and thereafter, on the basis of the complaint, FIR was registered in Crime No.118/2023 against the accused persons. Petitioners bail application filed before the II Addl. District & Sessions Judge, Shivamogga, in Crl.Misc.No.713/2023 was dismissed on 20.07.2023. It is under these circumstances, the petitioners are before this Court.

5. Learned Counsel for the petitioners submits that the petitioners are employees who were engaged in the house. Admittedly, no case is registered against the owner of the house. Petitioners are in custody since 22.06.2023. Major portion of the investigation is completed, and accordingly, prays to allow the petition.

6. Per contra, learned HCGP has opposed the petition.

7. The material on record would go to show that on credible information, raid was conducted on the house belonging to one Nagarathna, where allegedly a brothel was being run. Petitioners and another were arrested from the said house and

three ladies were given protection by the police. Petitioners were produced before the jurisdictional Magistrate and they were remanded to judicial custody on 22.06.2023. Major portion of the investigation is completed. The offences alleged against the petitioners are neither punishable with death nor life imprisonment and the said offences are triable by the court of Magistrate. Petitioners are in custody since 22.06.2023. It is contended by the petitioners that they were only employees working in the house. Under the circumstances, I am of the view that the petitioners have made out a prima facie case for grant of regular bail. Accordingly, the following order:

8. The petition is allowed. The petitioners are directed to be enlarged on bail in Crime No.118/2023 of Thirthahalli Police Station registered for the offences punishable under Sections 370, 370A, 34 IPC and Sections 3 & 4 of the Immoral Traffic Prevention Act, 1956, subject to the following conditions:

> a) Petitioners each shall execute personal bond for a sum of Rs.1,00,000/- with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

SD/-
JUDGE

KK