IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7350 OF 2023

BETWEEN:

1. NIJAMUDDIN
   AGED ABOUT 26 YEARS
   S/O NURULLA ISLAM GAZI
   AT ITTINDA VILLAGE
   ITTINDA POST
   POSSESSION-BASHRIHAT
   NORTH 24 PARAGAN DISTRICT
   WEST BENGAL-7743432.

2. IMRAN SHAK
   AGED ABOUT 33 YEARS
   S/O ABDUL HAQUE
   AT PANDITJEE COLONY
   DHANAYAKURIA
   NORTH 24 PARAGAN DISTRICT
   WEST BENGAL-743437.

3. ALAMIN GAZI
   S/O MODIN GAZI
   AGED ABOUT 22 YEARS
   AT ITTNDA VILLAGE
   ITTINDA POST
   POSSESSION-BASRIHAT
   NORTH 24 PARGAN DISTRICT
   WEST BENGAL-7743432.

...PETITIONERS

(BY SRI ABISHEK N.N., ADVOCATE)

Digitally signed by SHARANYA T
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
BY ELECTRONIC CITY POLICE STATION
BENGALURU DISTRICT-560001
REPRESENTED BY SPP
HIGH COURT COMPLEX
BENGALUR-560 001.

…RESPONDENT

(BY SRI RAHUL RAI K., HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.144/2023 DATED 01.07.2023 PENDING AT HONBLE CHIEF JUDICIAL MAGISTRATE (CJM), BENGALURU RURAL DISTRICT BENGALURU, FOR THE OFFENCE P/U/S.370 OF IPC AND SEC.153, 456 OF IMMORAL TRAFFIC PREVENTION ACT, REGISTERED BY THE ELECTRONIC CITY POLICE STATION, BENGALURU THAT IS FIR AND COMPLAINT.

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

ORDER

1. Learned counsel for the petitioners at the inception submits that the petition may be dismissed as withdrawn, insofar as it relates to petitioner Nos.2 and 3 are concerned with liberty to file a fresh petition, if need arises. The submission is placed on record. Accordingly, the petition is dismissed as withdrawn, insofar as it relates to petitioner Nos.2 and 3 with liberty as prayed for.

2. The petitioner No.1 is accused No.1 in Crime No.144/2023 registered by Electronic City Police Station, Electronic City Sub-Division, Bengaluru City for the offences punishable under Sections 370 of IPC and Sections 3, 4, 5, 6 and 7 of Immoral Traffic Prevention Act, 1956.

3. It is the case of the prosecution that the complainant Nanjegowda S., Police Officer, Electronic City Police Station on credible information had raided an apartment situated at Green House Layout, Doddathoguru, Electronic City on 01.07.2023 and had apprehended the accused persons and also rescued the victim girls, who were found in the apartment. Thereafter, rescued girls were brought to police station and on the basis of the complaint, FIR in Crime No.144/2023 was registered against the petitioners for the aforesaid offences. The investigation in the case is complete and charge-sheet has been filed.

4. The petition filed by the petitioner seeking bail before the Court of VI Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, in Crl.Misc.No.1401/2023 was rejected on 21.07.2023. Therefore, the petitioners are before this Court.

5. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that the petitioner No.1 is in judicial custody from 10.07.2023 onwards and investigation in the case is complete and charge-sheet has been filed. Accordingly, he prays for allowing the petition.

6. Per contra, learned HCGP has opposed the bail application.

7. On 01.07.2023, based on credible information, raid was conducted to an apartment situated at Green House Layout, Doddathoguru, Electronic City, Bengaluru. The informant and his staff had apprehended three persons found in the apartment, who were allegedly running prostitution illegally in the apartment. The

material on record would also go to show that the raiding party had also rescued seven girls, who were found in the apartment. The investigation in the case is complete and charge-sheet has been filed against the accused persons for the aforesaid offences. The petitioner No.1 is a resident of West Bengal. The submission made by the learned counsel for the petitioners that he has no criminal antecedents is not disputed by the learned HCGP. The alleged offences for which charge-sheet has been filed against the accused persons are not punishable with death or life imprisonment. Under these circumstances, I am of the view that, petitioner No.1 has made out a *prima facie* case for grant of regular bail. Accordingly, I proceed to pass the following:

ORDER

The petition is allowed. The petitioner No.1 is directed to be enlarged on bail in Crime No.144/2023 of Electronic City Police Station registered for the offences punishable under Sections 370 of IPC and Sections 3, 4, 5,

6 and 7 of Immoral Traffic Prevention Act, 1956, subject to the following conditions:

a) The petitioner No.1 shall execute personal bond for a sum of Rs.1,00,000/- (one lakh) with one local surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner No.1 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner No.1 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner No.1 shall not involve in similar offences in future;

e) The petitioner No.1 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

ST
List No.: 1 Sl No.: 43