

**HIGH COURT OF KARNATAKA**

**Bench: Justice S Vishwajith Shetty**

**Date of Decision: 29 November, 2023**

**CRIMINAL PETITION NO. 11467 OF 2023**

MANJUNATH @ SHANTHI

.....PETITIONER

**Versus**

STATE OF KARNATAKA

...RESPONDENT

**Legislation:**

Section 439 of the Criminal Procedure Code (Cr.P.C)

Sections 370, 370A(2), 370(3), 34 of the Indian Penal Code (IPC)

Sections 3, 4, 5 of the Immoral Traffic Prevention Act, 1956

Section 66 of the Information Technology Act, 2000

**Subject:** Criminal petition filed under Section 439 of the Cr.P.C seeking bail for the petitioner in a case involving multiple charges under various sections of the IPC, Immoral Traffic Prevention Act, and the Information Technology Act.

**Headnotes:**

Criminal Petition – Bail Application – Offences under various sections including IPC, Immoral Traffic Prevention Act, and Information Technology Act – Petitioner seeks bail – Detailed consideration of the case – Grant of regular bail.

Investigation Report – Raid conducted based on credible information – Arrest of accused persons and rescue of four ladies – No indication of forcible induction of rescued ladies into prostitution – Alleged offenses not exclusively punishable by life imprisonment or death – Majority of investigation completed – Bail granted to co-accused – Petitioner with no criminal antecedents – Case made for grant of regular bail.

Bail Conditions – Petitioner to furnish personal bond with sureties – Mandatory appearance on hearing dates – Prohibition from threatening witnesses and involvement in similar offenses – Restricted movement outside the jurisdiction of the Trial Court without permission.

Referred Cases: None.

Representing Advocates:

Petitioner: Sri Dhananjay Kumar, Advocate

Respondent: Sri Jairam Siddi, HCGP

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## **ORDER**

1. Accused no.1 in Crime No.363/2023 registered by Bagalagunte Police Station, Bengaluru City, for the offences punishable under Sections 370, 370A(2), 370(3), 34 IPC, Sections 3, 4, 5 of Immoral Traffic Prevention Act, 1956, and Section 66 of the Information Technology Act, 2000, is before this Court under Section 439 Cr.PC.
2. Heard the learned Counsel for the parties.
3. On the basis of the report dated 10.10.2023 submitted by Hanumantharay, Sub-Inspector of Police, CCB Women Protection Wing, Bengaluru, the Station House Officer of Bagalagunte Police Station, Bengaluru, has registered FIR in Crime No.363/2023 against six persons for the aforesaid offences. In the report, it is averred that the informant had received a credible information on 10.10.2023 at about 5.00 p.m., to the effect that in the first floor of house bearing No.149, situated at 5th Cross, MEI Layout, Bagalagunte, Bengaluru - 560 073, some persons were indulged in illegal activities of prostitution and based on such information, the informant along with his staff had conducted a raid to the said house and had apprehended the accused persons who were six in number and also had rescued four ladies who were found in the said house. Subsequently, the apprehended accused and the rescued ladies were brought to the police station and FIR in Crime No.363/2023 was registered. The apprehended accused were produced before the jurisdictional court and remanded to judicial custody. Petitioners herein who was arrayed as accused no.1 in the case, had filed CrI. Misc. No.10125/2023 before the Court of XLV Addl. City Civil & Sessions Judge, Bengaluru City, which was dismissed as against them on 25.10.2023.

Therefore, he is before this Court.

4. Learned Counsel for the petitioner having reiterated the grounds urged in the petition submits that the alleged offences are not exclusively punishable with life imprisonment or death. Petitioners are in custody from 10.10.2023. Major portion of the investigation is completed. The rescued ladies are majors and they have not stated that they were forcibly brought to Bengaluru for the purpose of illegal business of prostitution. He submits that this Court has granted regular bail to accused nos.3 to 6 in CrI.P.No.11465/2023 disposed of on 28.11.2023. Accordingly, he prays to allow the petition.
5. Per contra, learned HCGP has opposed the petition. However, he does not dispute that this Court has granted regular bail to accused nos.3 to 6 in CrI.P.No.11465/2023 disposed of on 28.11.2023.
6. The material on record would go to show that on receipt of credible information, the informant along with his staff had raided the first floor of the building in which the business of illegal prostitution was being conducted by the accused persons. From the said house, petitioner herein and other accused were arrested and four ladies were allegedly rescued. The material available on record would go to show that the rescued ladies are majors and they have not stated before the police that they were induced or forcibly brought to Bengaluru for the purpose of prostitution. The allegation against the accused persons is that they were displaying the photographs of ladies in their website and were contacting their customers for the purpose of illegal business of prostitution. The alleged offences are neither exclusively punishable by death or life imprisonment. Major portion of the investigation in the case is completed. Petitioners who have no criminal antecedents are in custody from 10.10.2023. This Court has granted regular bail to accused nos.3 to 6 in CrI.P.No.11465/2023 disposed of on 28.11.2023. Under the circumstances, I am of the opinion that the petitioner has made out a case for grant of regular bail.

Accordingly, the following order:

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.363/2023 registered by Bagalagunte Police Station, Bengaluru City, for the offences punishable under Sections 370, 370A(2), 370(3), 34 IPC, Sections 3, 4, 5 of Immoral Traffic Prevention Act, 1956, and Section 66 of the Information Technology Act, 2000, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

- b) The petitioner 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 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

- d) The petitioner shall not involve in similar offences in future;

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

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