

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl..No. 2095 of 2015 ()

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CRIME NO. 260/2015 OF KAZHAKKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONERS/ACCUSED NO. 2 & 6:

- 1. SANEESH, S/O.SASI, AGED 42 YEARS,
ASWATHY BHAVAN, KIZHAKUMKARA,
KAZHAKKUTTOM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. JASWINPRASAD, S/O.JAYAPRASAD,
AGED 43 YEARS, SUBBA NIVAS, NEDUMKANDA DESOM,
VAKKOM VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.P.P.BIJU.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-04-2015, ALONG WITH BA NO.2437 OF 2015 AND
BA NO.2207 OF 2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

K. RAMAKRISHNAN, J.

B.A.Nos. 2095, 2207 & 2437 of 2015

Dated this the 28th day of April, 2015.

ORDER

B.A.No.2095 of 2015 was filed by the accused Nos.2 and 6, B.A.No.2207 of 2015 was filed by the 4th accused and B.A.No.2437 was filed by the 10th accused, all in Crime No.260 of 2015 of Kazhakkuttom Police Station, Thiruvananthapuram District for regular bail under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 24.3.2015 at about 6.30 p.m., while the police officers of Kazhakkuttom Police Station on getting information regarding some illegal activities being going on in the house in the possession of the first accused, they conducted raid and found accused Nos. 2 to 13 were engaged in sexual intercourse including certain ladies as well and it was revealed that the first accused was conducting a brothel in the house and thereby all of them have committed the offences punishable

under Sections 3(1), 4(1) and 5 of the Immoral Traffic (Prevention) Act, 1956.

3. The counsel for the petitioners in these applications submitted that the petitioners have not committed any offence and they are innocent of the same. Some of the accused were already granted bail by the Sessions Court and they are in jail from 24.3.2015 onwards. Their custody is not any more required in connection with the investigation.

4. The application is opposed by the public prosecutor on the ground that the investigation is not over and these accused persons are regular customers of the first accused visiting the house to have sexual enjoyment and exploitation of women being used by the first accused for that purpose.

5. Perused the case diary file also. It is seen from the records that on getting information that some illegal activities being committed from the house in the possession of the first accused and women are being sexually abused for profit and accordingly the police party conducted raid of the house and

found accused Nos. 2 to 13 indulged in sexual activities and arrested them along with certain articles after describing the same in the search list. The allegation was that the first accused was conducting a brothel and present petitioners are some of the customers who are coming to the brothel for abusing the women being used for that purpose.

6. The counsel for the petitioners submitted that some of the accused persons were already granted bail by the Sessions Court. I am not at this stage going in to the legality of the search or the allegations are sufficient to attract the offence etc as it is a matter for evidence. The custody of the petitioners is not required any more in connection with the investigation. So considering the circumstances, this Court feels that the bail can be granted to the petitioner with some stringent conditions. So, the applications are allowed with the following conditions:

i. The petitioners shall be released on bail on executing a bond for Rs.25,000/- each with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-

II, Attingal.

ii. The petitioners shall appear before the investigating officer on the last Saturdays of every month between 9 a.m. and 10 a.m. till the final report is filed.

iii. The petitioners shall appear before the investigating officer as and when required for the purpose of interrogation in writing to do so till the final report is filed.

iv. The petitioners shall not intimidate or influence the witnesses.

v. The petitioners shall not involve in similar offences during the bail period.

vi. The petitioners shall not leave State of Kerala without getting prior permission from the Judicial First Class Magistrate Court-II, Attingal till the disposal of the case.

With the above conditions, these applications are allowed.

Sd/-
K. RAMAKRISHNAN
JUDGE

Scl.