

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.2227 of 2015

ORDER :

The petitioners, who are accused Nos.3 and 4, filed the present application under Section 438 of Cr.P.C. seeking release in the event of their arrest in connection with Crime No.37 of 2015 of Kothapet Police Station, Guntur Urban District, registered for the offences punishable under Sections 3,4,5 and 9 of Prevention of Immoral Traffic Act (for short, 'the PIT Act').

The case of the prosecution is as under:

On 10.02.2015, at about 01.00 p.m., on receiving credible information that A1 and A2 were indulging in prostitution at the instance of A3 and A4, who are the son and husband of A1, the informant along with his staff raided the house and found the accused and the VOCSEs who are Gosala Soumya and Dhana Lakshmi. On arrival of the police, the accused tried to escape from there, but the raid party surrounded and apprehended them. A1 is alleged to have confessed that she provided all facilities to the prostitutes with the assistance of A2 and A3, allowed the house to be used as brothel and used to pay half of the amount from their earnings to the prostitutes. On 10.02.2015, Gosala Soumya, Gorra Dhana Lakshmi visited the house of A1, who were provided with necessary facilities. Basing on the confession of the accused, the informant seized two Nirodh packets under the cover of police proceedings. Basing on these allegations, the present case came to be registered.

Heard the learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State.

As seen from the record, A1 and A2 were arrested at the time of search. They were doing the business with the help and connivance of A3 and A4, who are none other than son and husband of A1. The statements of the two prostitutes reveal that both the petitioners are involved in running the business in the house of A1. A3 is alleged to have telephoned to one Gousala Soumya asking her to come over to their place as there is demand from the customers. Similarly, the accused also contacted Dhana Lakshmi to come to their house. It

is further confessed that both the petitioners told them to get ready and that they (the petitioners) are going to bus stand to get the customers.

Insofar as the petitioners are concerned, the case is based on confession of the co-accused. While dealing with the relevancy of the confession made by co-accused, the Apex Court in ***State though C.B.I. V. Amarmani Tripathy*** categorically laid down that the confession of co-accused can also be a basis for holding *prima facie* accusation against the accused for negating bail in rejecting the contention contra.

In view of the above and taking into consideration the nature of allegations made and the gravity of the offences, I am not inclined to grant bail to the petitioners. However, the petitioners, if so advised, shall surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with, in accordance with law, at the earliest.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

23.03.2015

vhb