

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8853 OF 2017

ORDER:

This petition is filed by the petitioner-accused No.4, under Section 438 Cr.P.C., to grant pre arrest bail in Crime No.388 of 2016 on the file of the Station House Officer, Visakhapatnam IV Town Police Station, registered for the offences punishable under Sections 370(A)(2) of IPC and Sections 3 and 4 of the Immoral Traffic (Prevention) Act (for short, the Act).

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner for the offence under Section 370(A)(2) of IPC and Sections 3 and 4 of the Act, as he is only a customer. He further submitted that the Police foisted a false case against the petitioner for statistical purpose. *Per contra*, the learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner.

3. The case of the prosecution is that on 14.9.2016, the petitioner along with others booked Room No.205 in Sai National Hotel, Visakhapatnam. On the same day at about 7.30 pm, on receiving reliable information, the Inspector of Police, Visakhapatnam IV Town Police Station, raided Sai National Hotel and found accused No.2 along with two ladies in Room

No.205. On seeing the Police, the petitioner and accused No.3 fled away. It is the further case of the prosecution that the petitioner along with accused Nos.2 and 3 took the room to enjoy with ladies. After completion of necessary formalities, the Inspector of Police registered the above case.

4. The petitioner filed CrI.M.P.No.1511 of 2017 on the file of the Court of VI Additional District Judge-cum-Sessions Judge, Mahila Court, Visakhapatnam, under Section 438 of Cr.P.C., and the same was dismissed on 25.5.2017.

5. A perusal of the record reveals that accused No.2 was caught hold at the time of the raid. The record further reveals that the petitioner along with accused No.3 fled away from the Hotel on seeing the Police. Whether the petitioner was falsely implicated in this case or not will come to light during the course of investigation. The record *prima facie* reveals the role played by the petitioner in the commission of the offence.

6. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

T. SUNIL CHOWDARY, J

Date: 11.10.2017
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