

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8856 OF 2017

ORDER:

This petition is filed by the petitioner-accused No.1, 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 not at all connected with the offence. 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 a lady in Room No.205. On seeing the Police, the other accused fled away. It is the further case of the prosecution that the petitioner is procuring innocent ladies for the purpose of prostitution. After completion of necessary formalities, the Inspector of Police registered the above case.

4. The petitioner filed CrI.M.P.No.1505 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 case of the prosecution is that the petitioner has been supplying the ladies to the needy people by collecting huge amounts. 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 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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