

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13468 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of bail in Crime No.461 of 2018 of Machavaram Police Station, Vijayawada City, registered for the offences punishable under Section 370(3) of IPC and Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956.

2. Heard the learned counsel for the petitioner/A.2 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/A.2 would contend that the petitioner is no way connected with the business affairs of "Aura Spa World". It is also contended that the premises, where "Aura Spa World" is being run was let out to A.1 and A.3 on 01.03.2018. The subject offences alleged to have been taken place on 05.08.2018. The petitioner/A.2 by that time let out the premises and he has nothing to do with the alleged prostitution business being run in his premises and ultimately, prayed to allow the petition. In support of his contention, he has filed a copy of lease deed dated 01.03.2018.

4. Learned Additional Public Prosecutor representing the State opposed the grant of bail to the petitioner/A.2 and contended that the petitioner/A.2 is the main person, who indulged in running of prostitution business in his premises bearing door No.40-34, 2nd floor, Srinivasa Building, M.G. Road, Venkateswarapuram, Vijayawada. The so-called lease deed is brought into existence to escape from the alleged offences and ultimately, prayed to dismiss the petition.

5. A perusal of the photo copy of the lease deed, dated 01.03.2018, reveals that the stamp paper on which said lease deed was drafted, was purchased on 09.05.2018 and the same is evident from the face value of the document and the witness signed the original document on 15.05.2018. There are so many inconsistencies with regard to the genuineness of the original of the lease deed. Further, there is specific confession of A.1 and A.3 that the petitioner/A.3 is the main accused person, who wanted to run prostitution business in his premises. At his instance, the said business is being carried out. There is also other material, which was collected in the course of investigation and which establishes the involvement of the petitioner in prostitution business being conducted in his premises in the name of "Aura Spa World". It is contended that to make fast bugs, this petitioner and other accused indulged in this kind of activities. There are specific and grave allegations against the petitioner. Therefore, it cannot be held that the petitioner is no way connected with the alleged prostitution business being carried out in his premises at his instance. Therefore, the petitioner is not entitled to bail under Section 438 Cr.P.C.

6. At this juncture, the learned counsel for the petitioner made a request to this Court to allow him to withdraw the bail petition. In the given circumstances, no such permission can be granted. Further, after the applications are being withdrawn, without change of circumstances, fresh applications are filed before this Court. For this reason also, the permission is denied.

7. In the result, the Criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

DR. SHAMEEM AKTHER, J

Date: 27.12.2018

ssp

