

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.3014 and 3015 of 2023

COMMON ORDER:

Heard Sri A.Divakar Reddy, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Both the Criminal Petitions are filed under Section 439 Cr.P.C. However, Criminal Petition No.3015 of 2023 is in respect of accused No.1 and Criminal Petition No.3014 of 2023 is in respect of accused No.2 in Crime No.199 of 2023 of Madhapur Police Station, Cyberabad.

3. Making his submission, learned counsel for the petitioners states that the petitioners were arrested and remanded to judicial custody on 13.02.2023 and they are in judicial custody since more than 50 days. Learned counsel states that the petitioners have not committed any offences whatsoever and as the entire investigation is completed, they may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioners are the organizers of a brothel house and they, under the guise of

running a Saloon and Spa in the name and style “S9 SPA and Saloon”, were running a brothel house. Learned Additional Public Prosecutor further states that eleven (11) witnesses were examined till now.

5. As per the version of the prosecution, the petitioners have committed the offences punishable under Section 370A(2) IPC and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act.

6. As per the submission of the learned Additional Public Prosecutor, the material part of investigation is completed.

7. Having considered the submissions made by both parties, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

8. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioners/accused Nos.1 and 2 shall be enlarged on bail on each of them executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the

time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) In case, the petitioners/accused Nos.1 and 2 hold passport(s), they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 and 2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Madhapur Police Station, Cyberabad, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 shall file separate affidavits before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the court concerned by giving separate fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

31.3.2023
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