

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3191 of 2023

ORDER:

1. Heard Sri S.M.Saifullah, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.3 to 5 in Crime No.183 of 2023 of Banjara Hills Police Station, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.
3. The matrix of the case as could be perceived through Part-I Case Diary is that the petitioners were found running a brothel house at Hotel White House Silver Key. Stating that the petitioners are innocent, learned counsel for the petitioners contends that the 1st petitioner is the Manager of Hotel White House Silver and Petitioner Nos.2 & 3 are the Employees in the said Hotel and they never involved in any illegal activities. Learned counsel also states that the petitioners were arrested on 05.03.2023 and they are in judicial custody since more than a month 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 case is still under investigation and nine (9) witnesses were examined till now.

5. By the submissions made, it is clear that the petitioners are in judicial custody since more than a month and that the material part of investigation is completed. No criminal antecedents of the petitioners are projected.

6. Therefore, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.3 to 5 shall be enlarged on bail on their executing a personal bond for Rs.40,000/- (Rupees Forty Thousand only) each with two sureties for 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) The petitioners/Accused Nos.3 to 5 shall report before the Station House Officer, Banjara Hills Police Station, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioners/Accused Nos.3 to 5 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.3 to 5 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.3 to 5 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.3 to 5 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.3 to 5 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) In case the petitioners/Accused Nos.3 to 5 hold passport, they shall surrender the same if the same is not seized till now.
- (ix) The petitioners/Accused Nos.3 to 5 should ensure their presence whenever required by the Court or Police.

- (x) The petitioners/Accused Nos.3 to 5 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.3 to 5 shall file an affidavit 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 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

Date:13.04.2023

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