

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13621 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.793 of 2024 of Chaitanyapuri Police Station, Rachakonda Commissionerate, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 01.10.2024, Sub-Inspector of Police, P. Bhadraiah of Chaitanyapuri Police Station, Rachakonda, received reliable information about a clandestine brothel operating at Srinivasa Castle, Balaji Nagar, Mohan Nagar, Kothapet. Upon obtaining permission from the Assistant Commissioner of Police under Section 165 Cr.P.C, a raid was conducted at 1:00 PM, revealing one female in the hall and a woman and man in a semi-nude state in the bedroom. The accused, Smt. Dharawuth Shirisha (organizer) and Gangyu Naik (customer), confessed to running a brothel and engaging in prostitution. The victim, Kum Dusaa Bhavani, was allegedly procured by Shirisha for sexual exploitation. The police seized Rs.500 in cash, three mobile

phones, and two condoms from the scene. Thereafter, a case was registered under Crime No.793 of 2024, Section 144(2) BNS and Sections 3, 4, and 5 of the PITA Act, for exploitation of a trafficked person.

3. Heard Sri Baglekar Akash Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the petitioner seeks bail, citing Supreme Court guidelines in **Sanjay Chandra v. CBI** emphasizing consideration of flight risk and witness tampering. As a local resident without a passport, the petitioner poses no flight risk. He further submitted that the statements of witnesses i.e., L.W.1 to L.W.9 have been recorded, minimizing tampering concerns. The petitioner has been in jail since 01.10.2024, and significant investigation is complete. He further submitted that the ruling of the Madras High Court in **Suseela v. State** defines a brothel as involving multiple instances of prostitution, which is not the case here (single alleged instance). Thus, PITA Act sections 3, 4, and 5 may not be

applicable. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that there are serious allegations leveled against the petitioner and the investigation still pending, granting bail at this stage, does not arise and prayed the Court to dismiss the criminal petition.

6. After considering submissions from both counsel and reviewing the record, the petitioner has been incarcerated for over 30 days, substantial investigation is completed, and the key witnesses, including the Investigating Officer who issued the FIR, have been examined. *Prima facie*, no specific allegations against the petitioner warrant continued detention. Therefore, this Court deems it fit to grant bail to the petitioner subject to the following conditions.

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the learned XII Additional Chief Judicial Magistrate,

Hyderabad, L.B.Nagar, Ranga Reddy
District.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
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