

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No. 5100 of 2025

ORDER:

This criminal petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhita (BNSS) to enlarge him on bail in Crime No.270 of 2025 of Medipally Police Station, Rachakonda Commissionerate, registered for the offence punishable under Sections 143, 144(2) and 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3 to 5 of the Immoral Traffic (Prevention) Act, 1956 (for short, “the PITA Act”).

2. The case of the prosecution is that on 28.02.2025, on receipt of credible information that prostitution activities are going on at Plot No.B34, Viharika Colony, Medipally, the Sub-Inspector of Police, Medipally Police Station, after taking permission from higher officials, along with his staff in the presence of panchas raided the said premises and apprehended the accused and filed a complaint on 28.02.2025. Basing on the said complaint, a case in Crime No.270 of 2025 was registered for the above said offences.

3. Heard Sri Syed Ahmad, learned counsel, representing Sri Baglekar Akash Kumar, learned counsel for the petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has not committed the offence and he was falsely implicated in the present crime. He further submits that even according to the complaint, the petitioner comes within the purview of definition “Customer” and therefore, the provisions of Sections 3 to 5 of the PITA Act do not applicable to the petitioner and that the remaining offences are punishable with imprisonment of below 7 years. He further submits that material part of the investigation is already completed and that the petitioner was arrested on 28.02.2025 and since then he is in judicial custody. He further submitted that in spite of the very same allegations levelled against accused Nos.2 and 4, they had approached this Court and filed CrI.P.Nos.4436 and 3880 of 2025 and this Court granted bail to them on 04.04.2025 and 25.03.2025 and that the petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that are going

to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that investigation is under progress and at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner was arrested on 28.02.2025 and since then he is in judicial custody and accused Nos.2 and 4 were already released on bail. Even according to the learned Additional Public Prosecutor, the investigating officer has examined 8 witnesses and major portion of investigation is completed.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions:

- (1) The petitioner/A1 is enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties for a like sum each to the satisfaction of IV Additional Metropolitan Magistrate Court, Medchal- Malkajgiri District at L.B. Nagar.

- (2) The petitioner/A1 shall appear before the concerned S.H.O. at 11.00 a.m. on every Monday for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- (3) After release, if the petitioner/A1 indulges in similar type of offence in future, the respondent-State is entitled to file an application seeking cancellation of bail granted in his favour.
- (4) The petitioner/A1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

8. Accordingly, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 21.04.2025

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