

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6920 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.1, seeking bail in Crime No.925 of 2025 of Madhapur Police Station, Cyberabad, registered for the offence punishable under Sections 143 and 144 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3, 4 and 5 of Immoral Trafficking (Prevention) Act, 1956 (for short 'PITA').

2. The case of the prosecution in brief is that based on a credible information regarding prostitution activities being carried out at Flat No. 304, 3rd Floor, ASR House, Chandranaik Tanda, Madhapur, Serilingampally, Hyderabad, Sub-Inspector of Police, P.S.Madhapur, Cyberabad secured the presence of two mediators and proceeded to the location along with staff members. At around 02:00 hours, on reaching the location and knocking the door, petitioner attempted to shut the door upon seeing them. They gained entry and found the petitioner in the hall and three scared female individuals in a bedroom, who were

taken into safe custody by the women constables. The petitioner confessed to organizing prostitution in partnership with accused No.2. He admitted to running the racket for the past year, sourcing sex workers from various states under the pretext of providing jobs and shelter, and coercing them into prostitution. He further revealed that he had previously been involved in a similar offence for which Crime No. 80/2025 was registered at Allapur Police Station. Basing on the same, a case was registered in Crime No.925 of 2025.

3. Heard Mr.Barla Mallesh Yadav, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent person and he did not commit the alleged offence and he was falsely implicated in this crime. He further submitted that for the very same allegations, earlier, Allapur Police Station had registered a case in Crime No. 80 of 2025 for the very same offence. The petitioner had approached this Court by filing Writ Petition No. 7017 of 2025, which was disposed of by directing the respondents to follow the due procedure contemplated under Section 35(3) of the BNSS and the

guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. He further submitted that, with an intention to harass the petitioner, the police registered the present case on 28.05.2025 solely on the ground that the petitioner had approached this Court by filing Writ Petition No. 7017 of 2025, even though he had not committed the alleged offence. The petitioner was arrested on 28.05.2025 and since then he is in judicial custody. He further submitted that the petitioner is eking out his livelihood by doing private employment and entire family is depending upon his income. He further submitted that the petitioner is willing and ready to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and is also an accused in another case, namely Crime No. 80 of 2025. The investigation is under progress and if the petitioner is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

¹ (2014) 8 SCC 273

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that for the very same allegations, earlier, Allapur Police Station had registered a case in Crime No. 80 of 2025 for the very same offences and this Court on 07.03.2025, in Writ Petition No. 7017 of 2025 directed the Investigating Officer to follow the due procedure contemplated under Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar (supra)**. Basing on the very same allegations, the present Crime No. 925 of 2025 was registered for the same offences. The record further reveals that the petitioner was arrested on 28.05.2025. Even according to the learned Additional Public Prosecutor, 11 witnesses were examined and major portion of the investigation is completed.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner/accused No.1 subject to the following conditions:

- (i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.30,000/-(Rupees Thirty Thousand only) with two sureties for a like sum each to the satisfaction of X Additional

Metropolitan Magistrate, Ranga Reddy District,
Kukatpally.

(ii) The petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, if the petitioner/accused No.1 indulges in similar offence, the respondent-State is entitled to file an application seeking cancellation of the bail granted by this Court in his favour.

(iv) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date:18.06.2025

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THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

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Dt: 18.06.2025

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