

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY JUNE OF 2015

BEFORE

HON' BLE MR. JUSTICE L. NARAYANA SWAMY.

CRL.P NO 3596 OF 2015

BETWEEN

1.SRI SRINIVASA K @
SRINATHA.K,
S/O KRISHNAYA SHETTY,
AGED ABOUT 30 YEARS,
AGRICULTURIST,
PERMANENT R/AT MELINAPATRAVALLY-577 502
THIRTHAHALLY TALUK,
SHIMOGA DISTRICT.

2.SRI.NARESH M.K.
@ M.K.NARESH TALLURU (MALALI)
S/O KRISHNAPPA GOWDA M.R.,
AGED ABOUT 38 YEARS,
4TH GRADE CONTRACOTOR,R/O AGUMBE VILLAGE,
THIRTHAHALLY TALUK,- 577 502
SHIMOGA DISTRICT
NOW R/O LINGA RAJ NILAYA
REGAL CIRCLE,
DHARWAD.-580001

... PETITIONERS

(By Sri: MUJTABA H, ADVOCATE)

AND

THE STATE OF KARNATAKA
REP. BY THE TOWN POLICE STATION,
CHITRADURGA.

... RESPONDENT

(BY SRI B.J. ESWARAPPA, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C PRAYING TO ENLARGE THE PETRS. ON BAIL IN THE EVENT OF THEIR ARREST IN CR. NO.171/2015 OF CHITRADURGA TOWN P.S., CHITRADURGA, WHICH IS REGISTERED FOR THE OFFENCE P/U/S 370,342 R/W 34 OF IPC AND SEC.3,4,5,6,7 OF IMMORAL TRAFFIC (PREVENTION) ACT, 1956.

THIS PETITION IS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING

ORDER

The petitioners are being tried for the offences punishable U/Ss 370, 342, r/w Section 34 IPC and Section 3,4,5,6, 7 of Immoral Traffic (Prevention) Act, 1956 registered by the Chitradurga Town Police in Crime No.171/2015.

2. It is the case of the prosecution that on 3.5.2015 the Police Inspector, Town Police Station Chitradurga lodged a complaint with the respondent police alleging that at about 4.30 pm he received a reliable information that immoral traffic activities of a racketing is going on in room No.8 of Durga lodge situated near Sante Honda, Chitradurga Town. Thereafter he informed to his superiors and sought permission to raid the said lodge and raided the said lodge along with his team and found immoral activities were going on in room No.8. It is also stated that the accused 3 and 4

are the owner and Manager of the said lodge and A6 is the owner of the said building. Hence case has been registered against them.

3. The learned counsel for the petitioner submitted that the complaint lodged against the petitioners are false and they are innocents of the said offences. The petitioners have reasonable apprehension of their arrest.

4. The learned Government Pleader has resisted the bail application on the ground that there is prima facie case against this petitioners. Hence, he prays for dismissal of the petition.

5. Heard the learned counsel for both sides. Perused the documents. It is seen that the petitioners are permanent residents of address given in this case. They are law abiding citizens. The offence is not either punishable with death or imprisonment for life. The petitioners have undertaken to obey any condition which may be imposed on them. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing certain conditions.

7. Accordingly, petition is **allowed** and anticipatory bail is granted to the petitioner, subject to the following conditions:

ORDER

- a) Petitioners shall surrender before the I.O. of the jurisdictional police station within one week from the date of receipt of this order and in the event of arrest, petitioners shall be released on executing a personal bond in a sum of Rs.50,000/- (Rupees fifty thousand only) each with one surety for the like sum to the satisfaction of the I.O.
- b) Petitioners shall cooperate with the I.O. in conducting investigation without fail.
- c) Petitioners shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioners shall not involve in any criminal activities.
- e) If the petitioners violate any one of the conditions, the prosecution is at liberty to seek for cancellation of bail from the concerned Sessions Court.

**Sd/-
JUDGE**