

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER 2015

BEFORE

THE HON'BLE MR. JUSTICE B. MANOHAR

CRIMINAL PETITION NO.8725/2015

BETWEEN:

PUTTASWAMY GOWDA H. N.
S/O. SHRI NARASIMHE GOWDA
AGED ABOUT 52 YEARS
OWNER OF S.L.V.LODGE
2ND CROSS, MANDIPETE
TUMAKURU TOWN
R/O. HIRISAVI VILLAGE
CHANNARAYAPATNA TALUK
HASSAN DISTRICT
ACTUALLY RESIDENT OF DABBEGHATTA VILLAGE
KIKKERI HOBLI, KRIHNARAJPET TALUK
MANDAYA DISTRICT – 571 401

... PETITIONER

(BY SRI YOGANAND P., ADV.)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY
THE STATION HOUSE OFFICER
TUMAKURU TOWN POLICE STATION
TUMAKURU – 572 101.

... RESPONDENT

(BY SRI K. NAGESHWARAPPA, HCGP.)

THIS CRIMINAL PETITION IS FILED U/S.438 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.183/2015 OF TUMKURU, FOR THE OFFENCES P/U/S. 3, 4, 5 & 7 OF ITP AND U/S.370 AND 342 OF IPC.

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

ORDER

This petition is filed under Section 438 of Cr.P.C. seeking anticipatory bail in the event of his arrest by the respondent police in crime No.183/15 for the offences punishable under Sections 3, 4, 5 and 7 of Immoral Traffic Prevention Act, 1956, and Sections 370 and 342 of IPC.

2. The case of the prosecution is:

On the credible information received by the respondent police, they have raided S.L.V. Lodge on 24.10.2015, situated at second cross, Mandipete, Tumakuru, with regard to the committing prostitution in the said lodge. During the raid, the police have arrested

some of the persons who are the customers and also seized some materials which are being used for prostitution like, three condoms, six mobile phones, note book and cash of Rs.15,050/-. It was alleged that in the guise of getting a job to two girls, they have induced them and forced them to indulge in the prostitution. Hence, the case was registered against the petitioner who is the owner of the lodge. He filed a petition before the District and Sessions Judge seeking anticipatory bail. That application has been rejected by the learned District and Sessions Judge on 16.11.2015. Being aggrieved by the rejection of the bail application, the petitioner has approached this Court.

3. Sri Yogananda P., learned Counsel for the petitioner submits that about six months ago, he has purchased the said lodge for his livelihood. He has not involved in the said offences and has not induced any of the girls in the guise of getting them a job and indulged

in the prostitution. Some of the customers have taken rooms and the petitioner cannot be held liable for the alleged offences. The police have falsely implicated in the said case and he is a respectable person of Tumkuru city. The marriage of the daughter of the petitioner has been fixed in the month of January, 2016, and he is ready to abide any of the conditions that may be imposed by the Court and hence, he seeks anticipatory bail.

4. Learned High Court Government Pleader appearing for the respondent opposed for granting the bail on the ground that the petitioner himself being the owner of the lodge has involved in the prostitution and encouraging the same and he is not entitled for anticipatory bail.

5. I have carefully considered the arguments addressed by the learned Counsel appearing for both the parties and perused the copy of the FIR.

6. The material on record clearly discloses that the police have conducted raid in S.L.V.Lodge situated at Mandipete, Tumkuru and they have arrested some of the customers and two girls. None of the persons have made any complaint against this petitioner regarding inducement of girls for prostitution. He is a permanent resident of Tumkuru and owner of the lodge. Hence, I am of the opinion that it is a fit case to grant anticipatory bail.

7. Accordingly, I pass the following order:

- a. The petition is allowed.
- b. The respondent is directed to release the petitioner on bail in the event of his arrest for the alleged offences, subject to following conditions:
 - i. Petitioner shall execute a personal bond for a sum of Rs.50,000/- and furnish one surety for the likesum to the satisfaction of the concerned Court.

ii. Petitioner shall not tamper with the prosecution witnesses directly or indirectly.

iii. Petitioner has to make himself available to the Investigating Officer for interrogation as and when he is called for.

iv. Petitioner shall surrender before the concerned Court within a period of two weeks and execute personal bond with surety.

Any violation of the conditions imposed above, would enable the prosecution to seek for cancellation of bail.

Sd/-
JUDGE

nvj