



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 1783 OF 2023

BETWEEN:

1. HARPREETH SINGH,
S/O LATE HARJEETH SINGH,
AGED ABOUT 24 YEARS,
R/AT VIP COLONY,
KHADI ROAD, SUNAM SANYROOR,
PUNJAB STATE – 148 028.
2. HITHENDRA YADAV,
S/O NARENDRA SINGH,
AGED ABOUT 34 YEARS,
R/AT DOULATHAPURA
VILLAGE AND POST,
SOUTH WEST, DELHI – 11043.
3. DEEPAK GOYAL,
S/O RADHE SHAM GOYAL,
AGED ABOUT 35 YEARS,
R/AT NO. 133/7,
SHANKAR BHAVAN,
FAAS KATLA, NR. NOYETLIL HOUSE,
NAYA BAZAAR, AJMER,
RAJASTHAN – 305 001.
4. SANTHOSH SHAH,
S/O MADHU SOOSHAH,
AGED ABOUT 36 YEARS,
R/AT NO. 110 045,
L BLOCK, VIJAY ENCLAVE – 110 433.

...PETITIONERS





(BY SRI. A N RADHA KRISHNA., ADVOCATE)

AND:

STATE OF KARNATAKA,
BY CEN CRIME BRANCH,
BENGALURU,
REP BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU – 560 001.

...RESPONDENT

(BY SRI. VINAYAKA V S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.4/2023 OF CYBER CRIME P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 3,4,5 OF I.T.P ACT AND SEC.370 OF IPC AND SEC.67 OF I.T ACT ON THE FILE OF THE I ADDL.C.M.M BENGALURU.

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

ORDER

1. Heard Sri A.N. Radha Krishna, learned counsel appearing for the accused/petitioners and Sri V.S. Vinayaka, learned High Court Government Pleader and perused the records.

2. This Petition is filed under Section 438 Cr.P.C., with the following prayer:



"WHEREFORE, the Petitioners humbly pray that this Hon'ble Court may be pleased to enlarge them on bail in Cri. No. 4/2023 of CEN Crime Branch Police, Bengaluru, for offences punishable under Sections 3, 4 and 5 of I.T.P Act, 370 IPC and under Section 67 of I.T Act, now pending on the file of the Learned First Additional C.M.M., Bengaluru in the interest of justice".

3. Smt. Durga R, Police Officer, lodged a report with the Cyber Crime Police Station, Bengaluru City on 2.2.2023 which was registered in Crime No.4/2023 for the offence punishable under Sections 3, 4 and 5 of the Immoral Traffic Prevention Act, 1956 and Section 67 of the Information Technology Act, 2000 and Section 370 of IPC against the accused/petitioners.

4. The gist of the complaint averments reveal that the petitioners herein were indulged in high level prostitution through mobile telephone and websites.

5. The first petitioner is the husband of Reena Kaur, who has been rescued in the incident.



6. The complainant, on receipt of the credible information raided the Sterling Mac Hotel and Suits situated at Old Airport road, Bengaluru, on 1.2.2023 at about 3.00 p.m., and found that these petitioners were indulged in conducting high level prostitution and the girls were rescued from the place and a report came to be lodged after arresting the present petitioners and sent them to judicial custody.

7. The attempt made by the petitioners to obtain an order of grant of bail was turned down by the learned District Judge by order dated 16.02.2023 in CrI. Misc. No.1243/2023 and thereafter, the petitioners are before this Court.

8. Reiterating the grounds urged in the petition, Sri A.N. Radhakrishna, learned counsel for the petitioners submitted that the first petitioner is the husband of Reena Kaur and in order to substantiate the same, he has produced the photographs.

9. It is his case that a false case has been lodged against them and he is no way connected with the alleged incident. Whether at all, the petitioners were involved in such



an incident or not cannot be decided by this court at this stage. It is for the investigating agency to investigate it properly and file an appropriate report and thereafter, it is for the learned Trial Magistrate to form a definite opinion after the full fledged trial.

10. Suffice to say, that since the petitioners are in custody on and from 1.2.2023 and investigation has also progressed to a considerable extent and having regard to the maximum punishment prescribed for the alleged offences, this court is of the considered opinion that continuation of the accused/petitioners in judicial custody is no longer warranted.

11. Further, the apprehension expressed on behalf of the prosecution by learned High Court Government Pleader that petitioners if granted bail may flee away from the jurisdiction as they are all from different parts of the country. Such apprehension can be met with by imposing suitable and stringent conditions. Accordingly, pass the following:



ORDER

The Criminal Petition is **allowed** subject to the following conditions:

(1) The accused/petitioners shall be enlarged on bail on executing a personal bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs) each with two sureties, one of which must be a local surety, for the likesum to the satisfaction of the Trial Court.

(2) The accused/petitioners shall not tamper the prosecution witnesses in any manner.

(3) The accused/petitioners shall attend the court regularly.

(4) The accused/petitioners shall mark their attendance once in every month on 3rd Sunday, till the filing of the final report.

(5) The accused/petitioners shall not indulge in similar activities.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

**Sd/-
JUDGE**

PL*List No.: 1 Sl No.: 66