

(2022) 01 KL CK 0013
In the High Court Of Kerala
Case No : Bail Application No. 9791 Of 2021

Seenath @ Safiya

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 04-01-2022

Acts Referred:

Indian Penal Code, 1860 — Section 370

Immoral Traffic (Prevention) Act, 1956 — Section 3(i), 5(i)(a), 5(i)(b), 5(i)(d)

Citation : (2022) 01 KL CK 0013

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : R.Bindu, G.Rajagopal, M.C. Ashi

Final Decision : Dismissed

Judgement

Gopinath P, J

1. This is an application for regular bail.
2. The petitioner is the 2nd accused in Crime No.799/2021 of Medical College Police Station, Kozhikode District alleging commission of offences under Section 370 of the Indian Penal Code and Sections 3(i), 5(i)(a), 5(i)(b) and 5(i)(d) of the Immoral Traffic Prevention Act.
3. The allegation against the petitioner is that she along with the other accused in the case were involved in running of a brothel at a place near Kottoli. The Station House Officer, Medical College Police Station had raided the premises in question, on getting reliable information, and several mobiles phones and cash were also recovered from the accused persons.
4. The learned counsel for the petitioner submits that, without going into any other aspect to the matter, the petitioner is entitled to be released on bail

especially in the light of the fact that the accused Nos.1, 3 and 4 have already been granted bail by the Sessions Court, Kozhikode. A copy of the order of the Additional Sessions Judge-V, in Criminal Miscellaneous Case No.1755/2021 (order dated 20.12.2021) is placed before me. The learned counsel for the petitioner submits that the petitioner was arrested along with the other accused who have already been granted bail and has been in custody since 12.11.2021.

5. I have heard the learned Public Prosecutor also.

6. A perusal of the order passed in CrI.M.C. No.1755/2021 shows that, for the purposes of further investigation into the matter, the custody of the accused was found not necessary. The petitioner herein, who is the 2nd accused, does not stand in any different position. Therefore, without going into any other aspect to the matter, I am of the view that the petitioner can be released on bail subject to conditions.

7. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the

jurisdictional Court;

(ii) The petitioner shall report before the Investigating officer in Crime No.799/2021 of Medical College Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No. 799/2021 of Medical

College Police Station;

(iv) The petitioner shall surrender her passport before the jurisdictional Court. If the petitioner does not have a passport, she shall execute an affidavit to that effect

and file the same before the jurisdictional court within seven days of release on bail

(vi) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No. 799/2021 of Medical College Police Station station may file an application before the jurisdictional Court for cancellation of bail.