
(2021) 10 KL CK 0170
In the High Court Of Kerala
Case No : Bail Appl. No.7448 Of 2021

Sudheesh P.P

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 370

Immoral Traffic (Prevention) Act, 1956 — Section 3, 4, 5, 6

Citation : (2021) 10 KL CK 0170

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : V.John Sebastian Ralph, Vishnu Chandran, Ralph Reti John, Appu Babu, Shifna Muhammed Shukkur, Seetha .S.

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. The petitioner is the 3rd accused in Crime No.430/2021 of Nilambur Police Station in Malappuram District alleging commission of offences under Section 370 read with Section 34 of Indian Penal Code and Section 4, 5 & 6 of the Immoral Traffic (Prevention) Act, 1956.

2. The allegation against the petitioner is that he brought a woman to a rented premises and arranged for other people to engage in sexual activities with her for money and thereby he committed the offences under the aforesaid provisions of law.

3. The learned counsel for the petitioner would submit that all the allegations even if accepted to be true, will not attract offence under Section 370 of IPC. He also submits with reference to the provisions of Sections 3, 4 & 5 that the role ascribed to him will, even if proved, result only in a conviction having a prison sentence of maximum period of one year. It is also submitted that on the date on which the matter was detected he was not even in station and he was away in

Surat as he is a textile merchant.

4. The learned Public Prosecutor on instructions submits that totally there are 5 accused in that case of which the petitioner is the 3rd accused. Accused Nos.1 & 2 were nabbed from the spot and their mobile phones reveal that they had contacts of several women engaged in prostitution and further that the woman in question in this case was introduced to the petitioner/3rd accused by accused Nos.4 & 5 and the petitioner/3rd accused had harboured the woman in a rented premises with the intention of running a brothel. It is submitted that the mobile phone of the petitioner is to be recovered and further that his interrogation is absolutely necessary in the matter.

5. Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, I am inclined to direct that if the petitioner surrenders before the investigating officer in Crime No.430/2021 of Nilambur Police Station on or before 01-11-2021, he shall be subjected to such interrogation as may be necessary and if the recovery of the phone and other electronic equipment used by the petitioner is made he shall be produced before the jurisdictional Magistrate on the day of surrender. If the petitioner files an application for bail before the jurisdictional Magistrate on the date on which he is produced in the manner directed above, the learned Magistrate shall consider the said bail application on merits and if further custodial interrogation of the petitioner is not required, the learned Magistrate shall release the petitioner on bail imposing such conditions as may be necessary to ensure that he does not interfere with the investigation or intimidate or influence any witness and also on such conditions as may be necessary to ensure that he does not abscond and is available to face trial in the proceedings.

The bail application is disposed of in the manner indicated above.