



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10805 of 2016

I.SELVENDRAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
FORT, TRICHY.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.APPADURAI Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

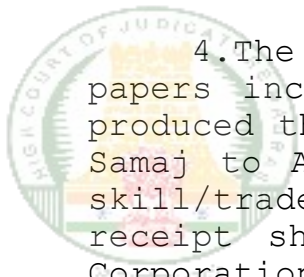
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(b), 4(1), 4(2)(c), 5(1)(a), 6(1)(b) of Immoral Traffic (Prevention) Act, 1956 and Section 370(3) IPC, in Crime No.7 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons under the guise of Masaj Centre, were carrying on immoral and illegal activities. When a raid was conducted, one Reena, who was working in the centre, gave a statement that she was compelled to adjust the customers. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is only the owner of the commercial complex and A.1 is one of the tenants for six months. There are several shop premises available in the said commercial complex belonging to the petitioner. The petitioner has no knowledge of any immoral activities of A.1/tenant.



4.The learned counsel for the petitioner filed typed set of papers including the rental agreement entered with A.1. He also produced the Certificate of Skill Competency issued by Bharat Sevak Samaj to A.1, certifying him that A.1 has been evaluated for the skill/trade of Ayurvedic Massage Therapist Assistant and copy of receipt showing professional tax paid by A.1 to Tiruchirappalli Corporation.

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5.The learned Government Advocate (Criminal side) submitted that the petitioner is the owner of the commercial complex and with his knowledge only immoral and illegal activities were carried on and knowing fully well, the petitioner did not inform the same to the respondent police and investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is only the owner of the commercial complex and he let out shops to various persons, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
04/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
FORT, TRICHY.

+1. CC to M/S K.APPADURAI Advocate SR.No.34683

SMN

JM/SK-SKN/SAR-III/05.07.2016/3P-6C

ORDER

IN

CRL OP(MD) No.10805 of 2016

Date :04/07/2016