



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

Thursday, the Third day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10101 of 2017

GEORGE JUDIT JESAIYA

... PETITIONER/ACCUSED (RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NESAMANI NAGAR POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT,
(CRIME NO. 274 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.L.GEORGE PAUL ANTO Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

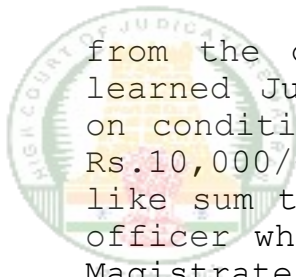
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 3 (2) (a), 5 (1) (a), 4(2) (c), 7 (1) (a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.274 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have committed the offence of prostitution and one accused person escaped from the place of occurrence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the allegations made in the FIR is entirely false one and he is no way connected in the offence and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are three accused in this case and the petitioner is arrayed as A2. He further submitted that A1 & A3 were arrested and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the alleged overt act of the petitioner is not proved, the Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days



from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]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).

sd/-
03/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.L.GEORGE PAUL ANTO Advocate SR.No.28124

ORDER
IN
CRL OP(MD) No.10101 of 2017
Date :03/08/2017

MS/CM-MSA/SAR.3/08.08.2017/2P.6C