

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.21432 of 2018

MADHAN VIVEKANANDAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
CCB-II POLICE STATION,
(CENTRAL CRIME BRANCH-II),
CHENNAI-600 007.
CR.NO.39 OF 2018.

For Petitioner : M/S.V.VISWANATHAN Advocate

For Respondent : M/S.R.SURYA PRAKASH.R GOVERNMENT ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 12 (1) (b) of the Passport Act and U/s. 420, 468, 471 of IPC and 4(1), 5(1) (a) of ITP Act in Crime No.39 of 2018 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. This is the fourth bail petition filed by the petitioner. The earlier petitions filed seeking bail on various dates were dismissed by this Court. Not stopping with that, the petitioner has filed the present petition seeking anticipatory bail again.

4. The learned counsel for the petitioner has contended that petitioner is a Non Resident Indian and doing hotel business at UAE in a decent manner and there is also no bad antecedents against him and even in India, he never commits any offence and the petitioner is an innocent person.

5. It is also the grievance of the petitioner that instead of arresting the real culprits, the respondent police added this

petitioner as an accused for their convenience and falsely implicated him in this case. It is further submitted that the main accused A1 And A2 are also enlarged on bail by this Court and their conditions are also relaxed and investigation also completed.

6. The case of the prosecution is that the Inspector of Police CCB, Chennai has received a complaint from the Assistant Foreigner's Regional Registration Officer, Bureau of immigration, Chennai Airport. The complaint says that on 20.03.2018 at about 18.05 hours one female passenger holding Indian Passport bearing P1353138 issued in the name of Kushboo, D/o. Raju sought departure for immigration clearance to Dubai by Air India flight AI 905. The said passport was issued by RPO, Chennai and is valid upto 21.06.2016. It is found that the residential address given in the passport and the date of birth mentioned in the passport were not tallied with the details furnished by the said passenger. On enquiry, it reveals the fact that her name is Mumtha, D/o. Adinarayan and her address is also different. Further fact also reveals that by the passegner that due to financial crisis, she was in need of employment through her friend Lakshmi, who was working in UAE. The said Lakshmi introduced her to an Agent named Raju and in turn the said Raju introduced her to an Agent in Chennai by name Faizal. They all colluded and advised her to get passport in the changed particulars with regard to her name, date of birth. Hence, the said passenger along with original passport was handed over before the authorities concerned.

7. The statement of one Faizal says that he is the native of Kerala and he has joined for employment in Akbar Travels in Vadapalani, Chennai and afterwards he worked as Salesman in a company at Duabi. After some time, he was engaged in a manufacturing business at Vadapalani undertaking Ready made dresses for Ladies garments and his houses at various places were let our for rent. One person by name, Madhan @ Manmadhan has contact with the said Faizal and the apartment owned by Faizal was let out to Manmadhan. It is came to knowledge that the said Manmadhan was retaining young ladies in the said apartment, who is having nature of business as sending ladies to other countries. In the meantime, the said Faizal was having friendship with one Pasvaraj @ Rajebai and Anand, who were hailing from Bangalore. They all in contact with one another and young girls were made to stay in Faizal's Apartments by Manmadhan and the said Manmadhan used to behave with them in a immoral way. The said Manmadhan was running Clubs and hotels, viz., Palm Club, Grand Fortune, Capital and Emirates and also running hotels in Chennai. He was the main person sending young girls to abroad for immoral purpose. The said Pasvaraj was used for collecting girls from many places and these young girls were provided with Passport by furnishing false particulars i.e. Name, date of birth, address. In the same way, Adhaar card was also obtained.

8. Based on the above facts and the statement, the case has been registered in Crime No.39 of 2018. Hence from the above facts, it has been clearly proved that this petitioner is the main person, who is engaged in immoral activities by way of running Clubs and hotels in UAE. He is doing business in the nature of collecting ladies with the help of one Pasvaraj and sending them to abroad for the business of prostitution. Hence, the arguments submitted by the learned counsel for the petitioner that the petitioner is a decent person is found to be not true. Based on the submission of the learned Addiitonal Public Prosecutor, it is seen that the investigation is still pending and this petitioner is having wide range of business in many areas. Hence, the averments stated in the petition seems to be false with regard to the petitioner as an innocent person and he was not involved in this case.

9. Considering the pendency of the investigation, and the nature of immoral activities involved by the petitioner and the grave nature of offences committed by the petitioner and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition stands dismissed.

-sd/-

18/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB INSPECTOR OF POLICE,
CCB-II POLICE STATION,
(CENTRAL CRIME BRANCH-II),
CHENNAI-600 007

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.VISWANATHAN Advocate on payment of necessary charges SR.NO. 17790

CRL OP.21432/2018

Date :18/09/2018

cm 27/09/2018