

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21545 of 2018

1 K.SHANMUGANATHAN,
2 PALANIAPPAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDHIYELUR, COIMBATORE DISTRICT.
CR.NO. 17 OF 2018

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offences punishable under Sections 3 (ii) (B) 6(i) (B) of Immoral Traffic Prevention Act 1956 in Crime No.17 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners along with other accused had conducted prostitution in their premises in the guise of running spa and on the raid conducted by the Law Enforcing Agency, a case has been registered against the accused.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and that the petitioners are the owners of the premises and they had let out the premises to one Sujith on rental basis and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that the victims have been secured and sent to rehabilitation home and that investigation is pending.

5. Considering the nature of allegations against the petitioners in this case and the fact that the victims have been secured, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Coimbatore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. until further Orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/09/2018

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

TRUE COPY

WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDHIYELUR,
COIMBATORE DISTRICT.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.21545/2018

Date :06/09/2018

RD 17/09/2018



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