



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22413 of 2018

K.S.SAMAD

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI.
(CRIME NO.737 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.THISAIINDIRAN, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(1), 4(2)(a), 4(2)(c), 5(1)(a), 5(1)d), 7(2)(c) of the Immoral Traffic Prevention Act, in Crime No.737 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that during a raid by the police party, the respondent police found out about the immoral trafficking activities at the Massage Parlour. Hence a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an employee of the said Parlour. He has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner already granted bail by this Court order dated 09.10.2018 in Crl.O.P.(MD)No.18031 of 2018. But, they are not complying with the condition, this petition has been filed. This is the second anticipatory bail application. Hence, he prays that the petition may be dismissed.



5. The learned counsel for the petitioner submitted that due to ill health for viral fever the petitioner was unable to arrange sureties and also to surrender before the concerned Court. Therefore, he may be granted anticipatory bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner are 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.II, Madurai, on condition that the petitioner 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 said Magistrate, on further condition that:

[a] the petitioner shall report before the respondent police for a period of two weeks thereafter, as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI.

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

+1. CC to M/S. V. THISAIINDIRAN Advocate SR.No.23647

ORDER

IN

CRL OP(MD) No.22413 of 2018

Date :19/12/2018

AMS/VR/S-1/27.12.2018/3P/6C