



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

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9365 of 2019

JOHNSON

... PETITIONER /1st ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
ASARIPALLAN POLICE STATION,
NAGERCOIL,
KAYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.RAJAKUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

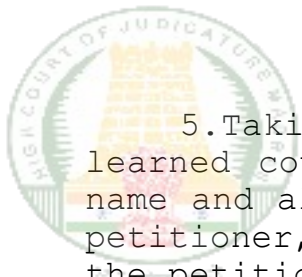
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2) (a), 4(2)(c), 5 (1) (a), 7 (1) (a) of Immoral Traffic Prevention Act, in Crime No.65 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is arrayed as A1. He further submitted that A2 booked the room in his name on 16.06.2019. He further submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that already A2 was arrested and still in custody and hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that based on the secret information received by the Inspector of Police a raid was conducted in the lodge which is being run by A1 and was found that the other accused persons were there. He further submitted that A2 was arrested and only confession given by A2, the petitioner herein has been implicated in the above case. Hence, he strongly opposed this petition. However, he fairly conceded that there is no previous case pending against the petitioner.



5. Taking into consideration of the submission made by the learned counsel for the petitioner that A2 booked the room in his name and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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6. 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.I, Nagercoil, 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) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

08/07/2019

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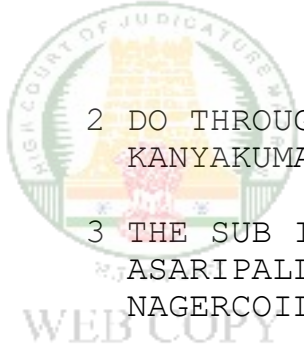
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I,

<https://hcservices.ecourts.gov.in/hcservices/>

NAGERCOIL.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE,
ASARIPALLAN POLICE STATION,
NAGERCOIL, KAYAKUMARI DISTRICT.

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

+1. CC to M/S.P.RAJAKUMAR Advocate SR.No. 11927

ORDER

IN

CRL OP (MD) No.9365 of 2019

Date :08/07/2019

JM/VR/SAR 4/11.07.2019/3P/6C