

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9816 of 2020

Saravanan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Shevapet Police Station,
Salem.
(Crime No.541/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his
arrest in Crime No.541 of 2020 on the file of the respondent
police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
269 of IPC and Sections 3(1), 4(1), 5(1)(d) & 7(1)(a) of Immoral
Traffic (Prevention) Act 1956, in Crime No.541 of 2020, on the file
of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is
the owner of the building, where the immoral activities has been
carried in the name of Massage Centre by A1. Hence the complaint.

3. The learned counsel appearing for the petitioner would
submit that the petitioner is an innocent person and he is not at
all aware of the activities of the first accused. Since, the first
accused has paid the rent regularly, the petitioner has no occasion
to visit the place of occurrence and he has no knowledge of the
immoral activities of the first accused. Hence, he prays to grant
anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is the owner of the building, where the first accused alleged to have run the Massage Centre, in which immoral activities has been carried. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Salem, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/07/2020

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 JUDICIAL MAGISTRATE NO.III,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM.

CC to C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.9816/2020

Date :01/07/2020

MK:06/08/2020

सत्यमेव जयते

WEB COPY