

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 10401, 10405, 10408 & 10417 of 2020

1.Arun Kumar

2.Sasi Kumar

... Petitioners/Accused Nos.4 & 5
in Crl.O.P.No.10401/2020

Balaji

... Petitioner/1st Accused
in Crl.O.P.No.10405/2020

Kanagaraj

... Petitioner/Accused Person
in Crl.O.P.No.10408/2020

Aruna

... Petitioner/Accused Person
in Crl.O.P.No.10417/2020

Vs.

1.The State represented by,
The Inspector of Police,
Ranipet Police Station,
Vellore District.
(Crime No.1016 of 2020)

... Respondent/Complainant
in Crl.O.P.Nos.10401 & 10405/2020

2.The State represented by,
The Sub-Inspector of Police,
Ranipet Police Station,
Vellore District.
(Crime No.1016 of 2020)

... Respondent/Complainant
in Crl.O.P.Nos.10408 & 10417/2020

Prayer: These Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.1016 of 2020, pending investigation on the file of the respondent police.

For Petitioners

: Mr.T.Muruganantham
in Crl.O.P.No.10401/2020
: Mr.G.Vinoth Kumar
in Crl.O.P.No.10405/2020
: Mr.G.M.Sankar
in Crl.O.P.No.10408 & 10417/2020

For Respondent

: Mr.T.Shunmugarajeswaran
Government Advocate (crl.side)
in all petitions

C O M M O N O R D E R
(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 18.06.2020 for the offences punishable under Sections (*) (**) (***) **4(1)(a) and 7(1)(a) of Immoral Traffic (Prevention) Act 1956**, in Crime No.1016 of 2020, on the file of the respondents, seek bail.

2. The case of the prosecution is that the accused persons have jointly conducted the prostitution in a hotel viz., Stark Residence, Ammor. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He submitted the petitioners are the staff, working in the hotel and during the Covid-19 time, the Management had allowed certain persons to stay in the lodge by defying the lockdown rules and that a false complaint has been registered against them. He would submit that there is no previous case against them. He would also submit that the main accused in the case viz., Thiagarajan, who is the owner of the lodge has been granted anticipatory bail by this Court in Crl.O.P.No.9331 of 2020. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have jointly conducted prostitution in the lodge run by one Thiagarajan. He would further submit that on secret information a raid was conducted and there is no previous case pending against the petitioners. Hence, he oppose to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter, on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif cum Judicial Magistrate, Ranipet, within two weeks from the date of receipt of a copy of this order or after lifting of the lockdown and commencement of the Court's normal functioning, whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and left thumb impression in the surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioners shall report before the respondent police daily at 10.30. a.m., until further orders.

(e) the petitioners shall not commit any offences of similar in anture.

(f) the petitioners shall not abscond either during investigation or trial.

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 SCW5560.

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

6. With the above directions, the Criminal Original Petitions are ordered.

-sd/-
10/07/2020

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.

(*) Amended as per order of this Court dated 22/07/2020 made in Cr1.MP.No.4491/2020 in Cr1.OP.No.10408/2020

(**) Amended as per order of this Court dated 12/08/2020 made in Cr1.MP.No.4498/2020 in Cr1.OP.No.10405/2020

(***) Amended as per order of this Court dated 21/07/2020 made in Cr1.MP.No.4490/2020 in Cr1.OP.No.10417/2020

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, RANIPET.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUB-INSPECTOR OF POLICE
RANIPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary
charges

CC to M/S. G.VINOTHKUMAR Advocate on payment of necessary charges

CC to M/S. G.M.SANKAR Advocate on payment of necessary charges

CRL OPs.10401, 10405, 10408 & 10417/2020

Date :10/07/2020

cs 04/08/2020

cs 03/09/2020

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