

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14685 of 2020

Gowthami

... Petitioner

/versus/

State represented by

The Inspector of Police,

R-6, Kumaran Nagar Police Station,

Chennai-2.(Crime No.1289 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.1289 of 2020 pending investigation on the file of Respondent Police.

For Petitioner : Mr.M.Kaveriselvam

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(2)(c), 5(1)(a), 5(1)(d) of Immoral Traffic Prevention Act, 1956 in Crime No.1289 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.09.2020, while the police attached to the respondent wing was on duty, some of the persons approached him and stated that they were conducting immoral activities under the guise of massage parlor pursuant to which a raid was conducted in N.S.Beauty Saloon and three victims were secured. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against her. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently stating that the petitioner along with other accused engaged prostitution, under the guise of running a Beauty Saloon. He would further submit that three victims have been secured and there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned IV Metropolitan Magistrate, Saidapet, Chennai, 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., and 5.30 p.m., until further orders.

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/09/2020

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 IV METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

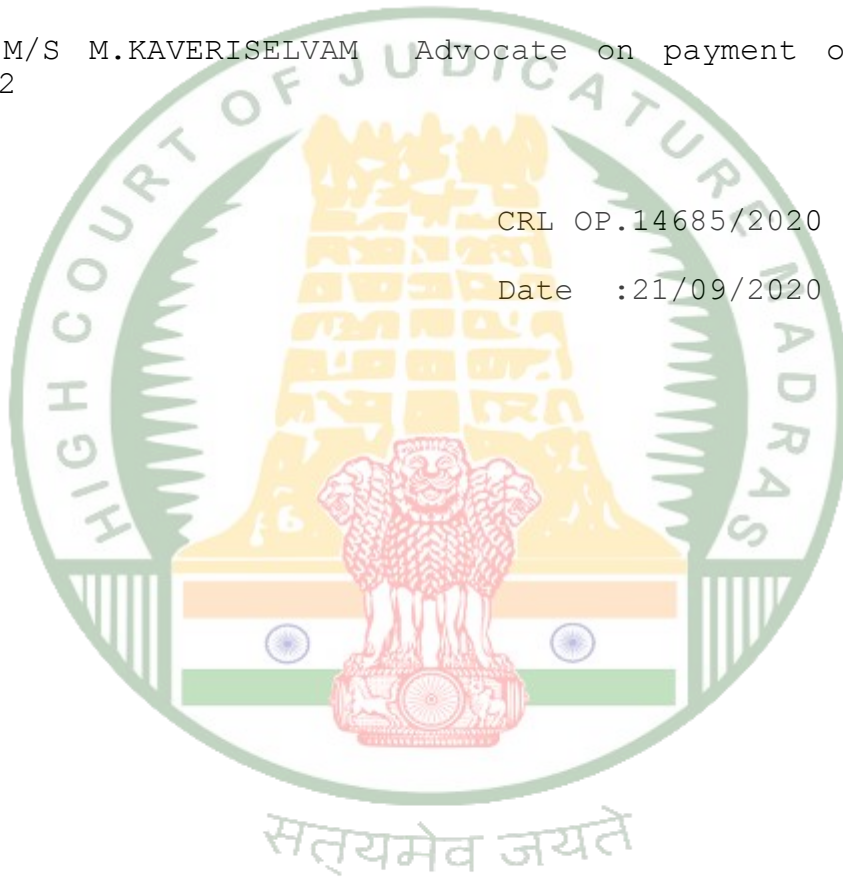
3 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR POLICE STATION,
CHENNAI-2

CC to M/S M.KAVERISELVAM Advocate on payment of necessary
charges Sr.6352

CRL OP.14685/2020

Date :21/09/2020

RVR 29/09/2020



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