

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.14742 of 2020

Mohamed Rafi

... Petitioner

/versus/

State represented by
The Inspector of Police,
Erode Town Police Station,
Erode District.
(Crime No.648 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 his arrest in Crime No.648 of 2020 pending investigation on the file of Respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.M.Mohamed Riyaz
Addl 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), 3(1), 5(1)(a) of Immoral Traffic Prevention Act, 1956 in Crime No.648 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.08.2020, 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 based on which a raid was conducted and two victims were secured. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against him. 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 Massage parlor. He would further submit that two 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 his 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 Judicial Magistrate No.II, Erode, 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 THE JUDICIAL MAGISTRATE,
NO.II, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE DISTRICT.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.14742/2020

cs 30/09/2020

Date: 21/09/2020

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