

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15558, 15559, 15847 & 16650 of 2020

A.Thananjayan ..Petitioner in Crl.O.P 15558/20
Benz Saravanan.C ..Petitioner in Crl.O.P.15559/20
K.Karthick @ K.Karthikeyan ..Petitioner in Crl.O.P.15847/20
D.Raama Mohan Durai ..Petitioner in Crl.O.P.16650/20

Vs.

The State rep. by
The Inspector of Police
V4 Rajamangalam Police Station
Chennai.
Cr.No.969 of 2020

..Respondent in all Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.969 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Kanagaraj
in Crl.O.P.15558 &
Crl.O.P.15559/20

For Petitioner
in Crl.O.P No.15847/20 : Mr.K.Balasubramaniam

For Petitioner in
Crl.O.P No.16650/20 : Mr.M.Dhayalan

For Respondent : Mr.M.Mohamed Riyaz
in all petitions Additional Public Prosecutor

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners in Crl.O.P No.15558 & 15559 of 2020, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 3(2)(a), 3(1), 5(1)(a), of Immoral Traffic Prevention Act r/w Section 4(1)(k) of Tamilnadu Prohibition Act and 188, 269 of IPC, in Crime No.969 of 2020 on the file of the respondent police seek anticipatory bail.

2. The petitioners in Crl.O.P No.15847 & 16650 of 2020, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 3(2)(a), 4(1), 5(1)(a) of Immoral Traffic Act, 1956 r/w Section 4(1)(k) of TN Prohibition Act and Section 188 & 269 of IPC, seek anticipatory bail.

3. The case of the prosecution is that on 20.09.2020 at about 09.00 p.m, on secret information, the de-facto complainant one Viayayakumar, who is Head constable attached with the respondent police conducted a surprise visit in front of Kadal Pura Recreation Club. At that time, one Aravind Kumar @ Karthick had approached the de-facto complainant and informed him that in the first floor, some females are dancing with obscene dresses and A4 directed the de-facto complainant to approach one Ahammed Faizal (A5) that he would give all the details. Thereafter, the de-facto complainant went to the first floor of the recreation club and approached A5 and that he had seen the accused were conducting obscene dance in the guise of cultural dance and the accused informed the de-facto complainant that he can select females as per his wish and the de-facto complainant was directed to pay a sum of Rs.3,000/- for spending some time with them. Thereafter, the de-facto complainant returned to the police station and registered the complaint.

4. The learned counsel for the petitioners in all the Crl.O.Ps would submit that the petitioners are innocents and that a false case has been foisted against them. He would further submit that the petitioners were running a club in the name of Kadal Pura Manamagizh Mandram after obtaining necessary statutory permission for running the club and the petitioner in Crl.O.P No.15558 of 2020 is the Secretary of the club. He would further submit that the club has been granted license in Form-FL-2 for vending of IMFL liquor in the premises and the petitioners have been running the club in accordance with law following all the statutory rules. Whereas, there was a dispute between the petitioners and the local police, due to which a false complaint has been registered.

5. The learned counsel for the petitioners would submit that as far as the petitioner in Crl.O.P No.15559 of 2020 is concerned, he is one of the directors of the club and he was not present at the time of occurrence and he has been falsely implicated in this case. As far as the petitioner in Crl.O.P NO.16650 of 2020 is concerned, the petitioner is an Administrator and he was also not present at the time of occurrence. As far as the petitioner in Crl.O.P No.15847 of 2020 is concerned, he is only the employee of the club. He would further submit that Ahammed Faizal, Karthik, Basha, Nisha and Madhu who are the employees of the club who were present at the time of occurrence have been arrested and later, they have been released on bail by the learned Magistrate. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

6. The respondent has filed a detailed counter in which it has been stated that the accused have been running a club and that they

have engaged the females to dance in a obscene manner inside the club. Further, during the course of investigation, 12 victims have been secured and they have been produced before the IV Metropolitan Magistrate, Egmore, Chennai. Further, the respondent has also recorded confession statement from the other accused. It has been further submitted that the petitioner/accused viz., Benz Saravanan in CrI.O.P No.15559 of 2020 was involved in various cases in CCB-1, Crime No.9 of 2020 and 284 of 2017 for the offences under Sections 120(b), 420, 467, 468 and 471 IPC, 43 IT Act, 66 C & 66 D IT Act, and another case has also been registered against him in F1 Chinthatharipet Police Station in, Crime Nos.265 of 2018 and 309/2018 for the offences under Sections 420 and 506(ii) and the same is also under investigation.

7. The learned Additional Public Prosecutor vehemently opposed stating that the petitioners under the guise of running Kadal Pura Manamagizh Mandram (Club) were conducting obscene dance engaging female in The club. Further, the accused had also informed the defacto complainant to commit the prostitution on payment of charges. He would further submit that as far as the petitioner in CrI.O.P.No.15559 of 2020 he has got several previous cases to his credit and as far as the other petitioners are concerned, they do not have any previous cases. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

8. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

9. On perused the F.I.R and materials available on record.

10. Taking into consideration the facts and circumstances of the case and also the antecedents of the petitioner in CrI.O.P No.15559 of 2020 which is reported to be bad, this Court is not inclined to grant anticipatory bail to him and accordingly, this Criminal Original Petition stands dismissed as against the petitioner in CrI.O.P No.15559 of 2020. As far as the other petitioners are concerned, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners in CrI.O.P No.15558, 15847 and 16650 of 2020 are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(*)4th Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/12/2020

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 AND FURTHER, TWO WEEKS TIME IS GRANTED TO THE PETITIONER TO COMPLY WITH THE ORDER OF THIS COURT DATED 10/12/2020 IN CRL.OP.NO.15558/2020 FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER, ORDERED AS PER ORDER OF THIS COURT DATED 29/01/2021 MADE IN CRL.MP.NO.391/2021.

TO

**(*) 1 4th METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI**

2 XIII METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

4 THE PUBLIC PROSECUTOR

HIGH COURT, MADRAS

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

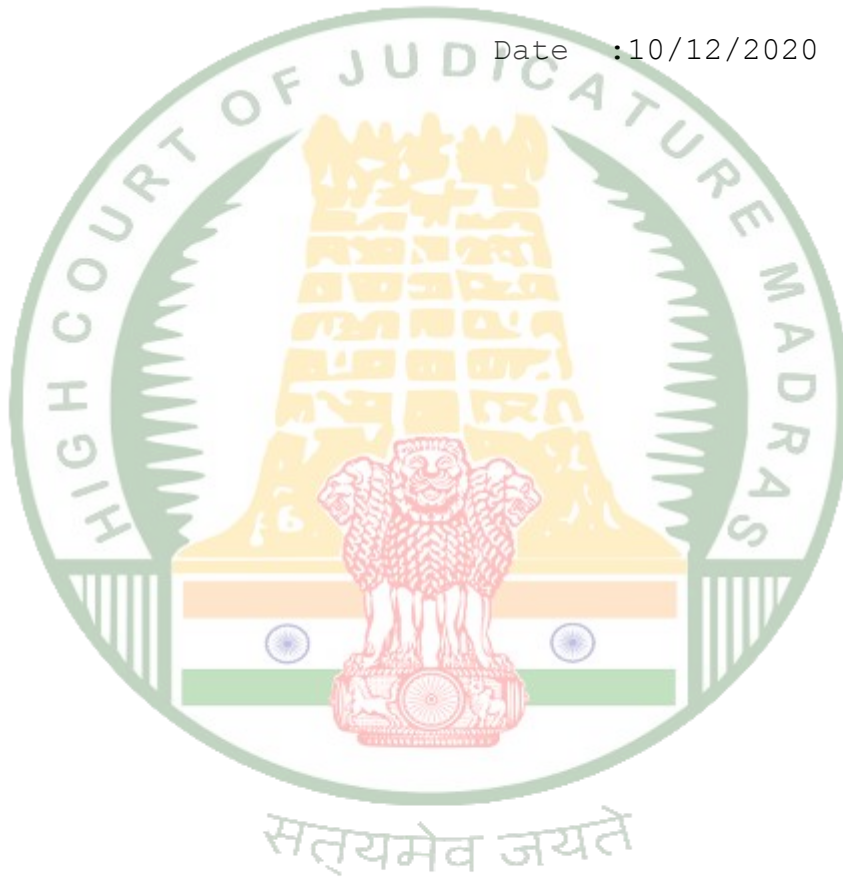
5 THE INSPECTOR OF POLICE,
V-4, RAJAMANGALAM POLICE STATION,
CHENNAI.

CC to M/S.C.KANAGARAJU Advocate on payment of necessary charges
SR.NO.968

CrI.O.P.No.15558, 15559, 15847 & 16650 of 2020

Date :10/12/2020

RVR 17/12/2020
RVR 04/02/2021



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