

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

Crl.O.P.No.17803 of 2020

1.G.Sagayaraj
2.A.Rahanathunnisa

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
AVS II Police Station
Chintadripet, Chennai
(Crime No.33 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No.33 of 2020 on the file of the Respondent.

For Petitioner : Mr.Arun Kumar

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

O R D E R

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 3(2), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 R/w.370 (3) IPC, in Crime No.33 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Jayaprakash, the Head constable attached to the respondent wing is that the petitioners were found to be running prostitution in the guise of running a Spa in the name and style of Snozz Beauty Health Care Spa, Perungudi. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are running a Spa after getting appropriate permission and due to certain other reasons, a false complaint has been lodged against them. He would further submit that the petitioners were not aware of the occurrence and even at the time of arrest of A3 in this case, the petitioners were not present at the scene of occurrence. He would further submit that A3 who has been arrested, enlarged on bail by this court vide order dated 24.11.2020 in Crl.O.P.No.18648 of 2020.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners in the guise of running a Spa in the name and style of Snozz Beauty Health Care Spa, Perungudi, involved in prostitution. He would further submit that when the respondent conducted raid, it was found that they were running prostitution and four victims have been secured from the place of occurrence. However, as far as the 1st petitioner is concerned, there is no previous case and as far as the second petitioner is concerned, she has got one previous case.

5.Heard the learned counsel on either side. Perused the materials placed on record, including F.I.R.

6.Taking into consideration of the fact that and submission made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date on which the order copy is made ready, before the Judicial Magistrate, Alandur, on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for the 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 automatically;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 everyday at 10.30 a.m. and 5.30 p.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 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 SCW 5560].

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

7. With the above directions, this Criminal Original Petition stands ordered.

-sd/-

21/12/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVS-II POLICE STATION,
CHINTADRI PET, CHENNAI

CC to M/S.A.ARUN KUMAR Advocate on payment of necessary charges
Sr.8632

CRL OP.17803/2020

Date :21/12/2020

RVR 04/01/2021