

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18648 of 2020

S.Nirmal raj

... Petitioner

Vs.

The Inspector of Police,
CCB, AVS-II Police Station,
Chindadripet.
(Crime No.33 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.33 of 2020 on the file of the Inspector of Police, CCB, AVS-II Police Station, Chindadripet, Chennai District.

For Petitioner : Mr.M.Devedran@ K.M.Devan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 01.11.2020 for the offence punishable under Sections 3(2)(a), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act. 1950 r/w u/s 370(3) of IPC, in Crime No.33 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.10.2020 at 17.30 hours, the respondent police received a secret information that the petitioner was running the Snozz Beauty Health Care spa at Perungudi along with doing immoral activities. On the information, the respondent police went to the spot and arrested the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he would submit that the petitioner is in judicial custody from 01.11.2020 and seeks bail for the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally three accused person involved in this case and the petitioner is ranked as A3. On 31.10.2020 at 17.30 hours when the respondent police received the secret information regarding the petitioner running the Snozz Beauty Health Care spa at Perungudi along with doing immoral activities. After the information the respondent police went to the spot and arrested the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 01.11.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before the learned Judicial Magistrate, Alandur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

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

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

-sd/-
24/11/2020

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CCB, AVS-II POLICE STATION, CHINDADRI PET,
CHENNAI

+1 CC to M/S.M.DEVEDRAN @ K.M.DEVAN Advocate on payment of
necessary charges SR.NO.7791

CRL OP.18648/2020

Date :24/11/2020

GKS:27/11/2020