

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No. 18900 of 2020

I.Sumithra

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
MGR Nagar Police Station, Chennai.
[Crime No. 1156 of 2020] ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest by the respondent police in Crime No. 1156 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sathish

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2) (a), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act, in Crime No. 1156 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that on 19.11.2020 at about 05.30 p.m., the Inspector of Police had received a secrete information from one T.Siva Prakasam, who is the Head Constable of the same police station specifically allocated for trafficking, that on 19.11.2020 at about 01.00 p.m., when he was standing at a tea stall at MGR Nagar and watching around, one Ajith Kumar approached the Head Constable stating that he could satisfy his sexual needs and that he is working at X-Salonce Unisex Salon and Spa and that they have two girls. Following which, the said Ajith Kumar took the Head Constable to the Spa and showed two girls namely Rukshana from Darjeeling and whose rate is Rs.2,500/- and another girl namely Gayathri whose rate is Rs.1,500/-. At that time, the defacto Constable, informed them that he doesn't carry

money and will come back after withdrawing money from ATM and left the place. Thereafter, he lodged the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the petitioner is the owner of the said spa, she has not committed any illegal activity and that she used to come to the spa only an occasion she handed over full control of the Spa which is managed by one Ajith Kumar and she is not aware of the misusing of spa by the said Ajith Kumar. On instructions, he would further submit that taking into consideration of the Covid pandemic situation, the petitioner without prejudice to her defence, is prepared to make considerable donation to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are two accused in this case and the petitioner herein is arrayed as first accused and that the second accused, who is the Manager of the said spa, was arrested and he is still in custody. He would submit that as far as this petitioner is concerned, there is no previous case pending against her. However, he opposed to grant anticipatory bail to the petitioner.

5.In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the **Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch**, on such payment and production of proof, the petitioner shall be released on bail on further condition to execute a separate bond for a sum of Rs.10,000/- (Ten Thousand only) each with two sureties each for a likesum sum to the satisfaction of the the learned XXIII Metropolitan Magistrate, Saidapet, and on further conditions that;

(b) Merely, because the petitioner deposit the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

(d) 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

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

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

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

(h) 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];

(i) 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/-
02/12/2020

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 METROPOLITAN MAGISTRATE XXIII,
SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MGR NAGAR POLICE STATION,
CHENNAI.

5 CANCER INSTITUTE (WIA) (REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S.R.SATHISH Advocate on payment of necessary
charges SR.No 7903

CRL OP.18900/2020

Date :02/12/2020

MN-10/12/2020



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