

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19336 of 2020

David Maharaja

... Petitioner

Versus

State Rep.by

The Inspector of Police,  
Sulur Police Station,  
Coimbatore District.  
(Crime No.2019 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.2019 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.C.Mohanraj

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 3(2)(a), 3(2)(b), 4(2)(c), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.2019 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is arrayed as A1. The case of the prosecution as per the complaint given by the de-facto complainant is that, on the basis of credible information, the respondent/police rushed the lodge run by the petitioner, where they found the petitioner along with other accused indulged in prostitution by engaging young girls, who were made to do flesh trade. Hence a case came to be lodged for the aforesaid offences.

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. The petitioner never indulged in any such offence as alleged by the prosecution. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent submitted that the petitioner along with A2 are doing immoral trafficking by engaging ladies from Bengaluru. Though there is no previous case against the petitioner, he opposed granting anticipatory bail to the petitioner.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the Learned Judicial Magistrate, Sulur, Coimbatore District, 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 conditions 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., for a period of two weeks and thereafter, every Monday at 10.30 a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
08/12/2020

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,  
SULUR, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
SULUR POLICE STATION,  
COIMBATORE DISTRICT.

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

CRL OP.19336/2020

Date :08/12/2020

cs 15/12/2020

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