

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2020

CORAM :

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

CRL.O.P.No.19980 of 2020

Selvaraj

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Anti-Vice squad 1 Police Station,
Chennai-CCB District.
(Crime No.33 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.33 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.12.2020 for the offence punishable under Sections 3(2)(a), 4(1), 5(1)(a), 5(1)(c) of Immoral Traffic Prevention Act and 370(3) of IPC in Crime No.33 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Rajavel, Gr.-I PC of the respondent police station is that the petitioner along with other accused were found to indulge in prostitution in the guise of running a Spa.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the first accused was running a Spa in the name of Wellness Center Unisex Salon & Ayurvedic & Thai Spa and after obtaining statutory permissions, according to the Rules.

He would submit that due to vengeance, the respondent police falsely

registered a case against the petitioner and one of the customer. He would submit that the petitioner has no previous case against him and he is in custody from 02.12.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the first accused, under the guise of running Spa, was found in indulging prostitution and the petitioner was found inside the Spa. He would submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate-I, Poonamallee, and on further conditions that;

(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 everyday at 10.30 a.m. until further orders;

(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/-
15/12/2020

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,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ANTI-VICE SQUAD 1 POLICE STATION,
CHENNAI - CCB DISTRICT.

+1 CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges SR.No.8217

WEB COPY

CRL OP.19980/2020

Date :15/12/2020

cs 16/12/2020