

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20990 of 2020

R.Sathishkumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Sulur Police Station,
Coimbatore District.
(Crime No.2059 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 2059 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

This case has been registered against the petitioner for the alleged offences under Sections 3(2)(a), 3(2)(b), 4(2)(c), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956. It is seen from the submissions made by the learned counsel for the petitioner that the petitioner is the lodge owner and he has nothing to do with the alleged prostitution committed by the other accused in this case.

2. The learned Government Advocate (Criminal Side) submitted that there is no previous case registered against the petitioner.

3. Considering the facts and circumstances of the case and also the fact that the building is a lodge, where, the public have access on payment of charges, there is possibility that the prostitution might have been committed without the knowledge of the petitioner. Hence, this Court finds that the petitioner is entitled for anticipatory bail.

4. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sulur, 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 and on further condition that:

[a] 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, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/12/2020

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.

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.

+1CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges SR NO.8753

CRL OP.20990/2020

Date :30/12/2020

MK:06/01/2021