

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.114 of 2021

Praveen Kumar @ Praveen R.

.. Petitioner/A1

Vs.

State represented by
Inspector of Police,
Anti Vice Squad 1 Police Station,
Chennai - CCB District.
(Crime No.33 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.33 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Ramanna

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A1. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 3(2) (a), 4(1), 5(1)(a), 5(1)(c) of ITP Act and 370(3) of IPC in Crime No.33 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on secret information, the defacto complainant conducted search on 01.12.2020, at the Wellness Center Unisex Saloon and Ayurvedic & Thai Spa at Mogappair and found that the petitioner and other accused were doing prostitution in the above place and the respondent police secured two victim girls. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He further submitted that the other accused except A2 were arrested and released on bail. Hence, the learned counsel prays to grant

anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose granting anticipatory bail to the petitioner. He submitted that the petitioner is the owner of the spa and he is running prostitution in the said spa. All the other accused were arrested and the petitioner is still absconding.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 No.1, Poonamallee, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 condition that:

(b) 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.

(c) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

(e) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

25/01/2021

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.1,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.E.RAMANNA Advocate on payment of necessary charges SR NO. 962

सत्यमेव जयते

CRL OP.114/2021

Date :25/01/2021

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