

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.291 of 2021

S. Baiju

... Petitioner

Vs.

The 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 Criminal Procedure Code to enlarge the petitioner on bail in Crime No.33 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.D.N.Ashok Kumar

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner is A6. The petitioner was arrested and remanded to judicial custody on 02.12.2020 for the offence punishable under Sections 3(2)(a), 4(1)(a), 5(1)(a), 5C of the Immoral Traffic (Prevention) Act, 1956 and Section 370(3) of IPC in Crime No.33 of 2020 and seeks bail.

2. Totally there are 7 accused, in which, A1 to A5 are partners of Wellness Center Unisex Saloon and Ayurvedic & Thai Spa at Mogappair, Chennai and A6 & A7 are their customers. The case of the prosecution is that on 01.12.2020, when the respondent police conducted search, they found that the petitioner along with other accused were doing prostitution in the said place. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is only the customer of the Spa and he is no way connected with the offence and he has been falsely implicated in this case. He would further submit that co-accused in this case, namely, Selvaraj and Kishore were granted bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 to A5 running a Spa, wherein they were found to indulge in prostitution and this petitioner is the customer. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances and the fact that co-accused in the case have been released on bail, 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 No.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, on his release from prison, shall report before the respondent police daily 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/-
11/01/2021

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.I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.291/2021

Date :11/01/2021

MK:11/01/2021

WEB COPY