

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.568 of 2021

M.Srinivasan

... 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.E.Ramanna

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.12.2020 for the offences punishable 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, seeks bail.

2. There are totally seven accused in this case and the petitioner is A5. The case of the prosecution is that on secret information, the de-facto complainant conducted search on 01.12.2020 at the Wellness Center Unisex Saloon and Ayurvedic & Thai Spa at Mogappair and found the petitioner and other accused were doing prostitution. Two victim girls have been secured.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence. He would further submit that the similarly placed co-accused have been released on bail. He would further submit that the petitioner is in judicial custody since 22.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the other co-accused have been enlarged on bail.

5. Considering the above facts and circumstances and taking note of the fact that the petitioner is in judicial custody since 22.12.2020 and also the similarly placed co-accused have been enlarged on bail, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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, as and when required for interrogation.

(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/-

20/01/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANTI VICE AQUAD 1 POLICE STATION,
CHENNAI - CCB DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. E.RAMANNA Advocate on payment of necessary charges
Sr.560

CRL OP.568/2021

Date :20/01/2021

RVR 21/01/2021