

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2198 of 2021

Nandhini @ Manimekalai

... Petitioner

Vs.

State Rep by 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 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.33 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.E. Ramanna

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 3(2)(a), 4(1), 5(1)(a), 5(1)(c) of ITP Act and 370(3) of Cr.P.C in Crime No.33 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are seven accused in this case and the petitioner is A2. 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 found that the petitioner and other accused were doing prostitution. Two victim girls have been secured. Hence, a case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has nothing to do with the alleged offence. He would further submit that the similarly placed co-accused/A5 has been granted bail by this Court vide order dated 20.01.2021 in CrI.O.P.No.508 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

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

5.Considering the facts and circumstances of the case and the co- accused had been arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Poonamalle 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 229A IPC.

-sd/-
15/02/2021

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

+1CC to M/S.E.RAMANNA Advocate on payment of necessary charges SR NO.1603

CRL OP.2198/2021

Date :15/02/2021

MK:23/02/2021