

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4663 of 2021

S.Manoj Kumar

... Petitioner

Vs.

State Rep. by:-

The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City.
(Crime No.197 of 2021)

... 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 Cr.No.197 of 2021 on the file of the respondent.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.K.Prabakar,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are 3 accused and the petitioner is arrayed as A3. He apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 3(2)(a), 4(2)(c), 4(1) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956 in Crime No.197 of 2021, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the petitioner is a owner of the building and let it out to A2, wherein he is running a SPA. Whereas, A1 is a Manager and A2, who is a lessee has conducted prostitution in the above SPA. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed. Now, it is stated that A1 was arrested and he was in jail and A2 is absconding.

3. The learned counsel appearing for the petitioner submitted that he is an innocent person and he is no way connected with the offence. He would also submit that he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the allegation made against the petitioner is that he is owner of the building, which was let out to A2 and A2 is running a SPA. He would submit that A1 was arrested and he is in jail. A2 is absconding. As the petitioner is a owner of building, he was made as A3. He would submit that the investigation is almost completed and there is no bad antecedents pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that except the allegation that the petitioner is owner of building, there is no allegation against the petitioner that he has also involved in the illegal act, and there is no bad antecedents against the petitioner, 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-II, Tiruppur, 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, 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 as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] 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/-
09/03/2021

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.II,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR CITY.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary charges SR NO.3050

CRL OP.4663/2021

Date :09/03/2021

MK:12/03/2021

WEB COPY