

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.4972 of 2020

C.Palanivel

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
R7, K.K.Nagar Police Station.
(Crime No.751 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner in the event of his arrest or on appearance before any Court in connection with the case in Crime No.751 of 2019, pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Prabakar

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), 6(2A), r/w 6(1), 7(1) of Immoral Traffic (Prevention) Act, 1956, Section 370 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.751 of 2019, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is ranked as A3. On surprise check by the respondent police, it was found that one Suresh/A1 and Selvanathan/A2 were conducting brothel in an apartment. Subsequently, an FIR was registered and A1 and A2 were arrested. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been residing at Perambalur, he is only a lessee of the apartment, and on mercy ground, being his native person who requested help for temporary accommodation till the permanent accommodation is found, the petitioner handed over the key of the apartment to one of his friend /A1 in this case and the petitioner went to his native for his marriage work. In turn, A1 and A2 misused the said apartment as a brothel house. He would further submit that the petitioner is no way connected with the

said offence. He would further submit that A1 and A2 have already been arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A1 and A2 were running a brothel house in the alleged apartment. He would further submit that A1 and A2 have already been arrested and released on bail. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that the Co-accused already released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the Magalir Neethimandram (Mahila Court), Chennai, 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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-
06/01/2021

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 MAGALIR NEETHIMANDRAM
(MAHILA COURT), CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R7 K.K.NAGAR POLICE STATION.

+2CC to M/S.R.PRABAKAR Advocate on payment of necessary
charges SR NO.157

CRL OP.4972/2020

Date :06/01/2021

MK:21/01/2021

सत्यमेव जयते

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