

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6797 of 2020

S.Manjula

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Anti-Vice Squad-I,
Chindarepet,
Chennai.
(Crime No.17 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.17 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

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

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A1 and she apprehends arrest at the hands of the respondent police for the alleged offence under Sections 3(2)(a), 4(1), 5(1)(a) of Immoral Trafficking Act, in Crime No.17 of 2020 on the file of the respondent police, and now, she has filed the above petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioner is a owner of saloon. Based on the secret information, a raid was conducted and found that the petitioner is doing brothal business in the said saloon and arrested the employees. Based on the confession statement of employees, the petitioner has been implicated as an accused and F.I.R. has been registered against her.

3. Mr.R.C.Paul Kanagaraj, learned counsel appearing for petitioner would submit that the petitioner is a Diploma holder in Accupuncture training and running three health centres in the city. He would submit that without her knowledge, the occurrence was taken place and she has not involved in any of the illegal activities. He

would also submit that the other co-accused was arrested and already released on bail. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Mr.S.Karthikeyan, learned Additional Public Prosecutor would submit that the petitioner is the owner of a saloon, wherein, the illegal act has been committed. The co-accused has given a confession statement stating that, only with the knowledge of her, the illegal activities has been taken place. Hence, he opposed to grant anticipatory bail to her.

5. Taking into consideration of the fact that the occurrence has been taken place in the month of February 2020, now, the co-accused was also arrested and released on bail, and at this stage, the custodial interrogation is not required in this case, 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 IV Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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/-
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 METROPOLITAN MAGISTRATE,
NO.IV, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI VICE SQUAD-I,
CHINDAREPET,
CHENNAI.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.6797/2020

सत्यमेव जयते Date:06/01/2021

TA-01/02/2021

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