

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8086 of 2021

MUTHU KUMAR @ MUTHUKRISHNAN [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.134 OF 2021.

For Petitioner : M/S.N.SANTHOSH Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2) (a), 3(2)(b), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956, in Crime No.134 of 2021, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent police conducted raid at the said Lodge, Velankanni, and arrested 6 females. On enquiry, the girls stated that the first accused brought the victim girls from Velankanni Bus Stand and instigated them with lured words to involve them in immoral trafficking. The petitioner is the lease holder of the said lodge, A1 is the Manager and A2 is the lodge broker.

3. The learned counsel appearing for the petitioner submits that he is an innocent person and a false case has been foisted against him. The petitioner is the lease holder of the above said lodge and without his knowledge, the above said occurrence was happened. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner along with other accused brought the girls and involved them immoral trafficking. He further

submits that the petitioner has no previous case pending against him.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the petitioner has no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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-I, Nagapattinam**, on condition that each of 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 and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

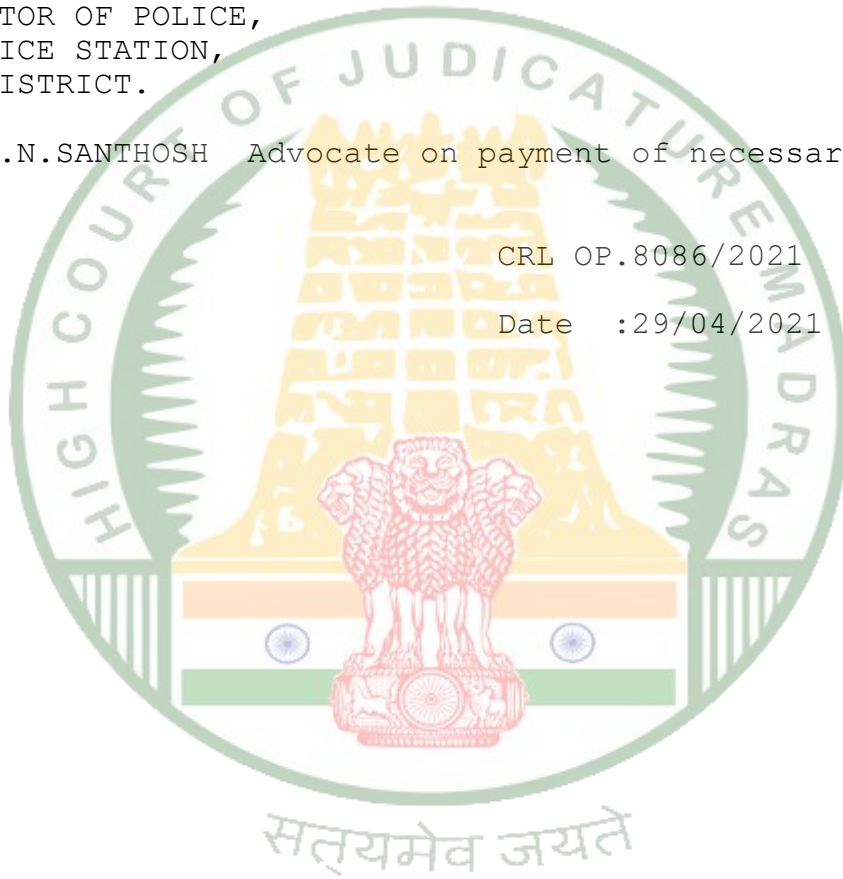
4 THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S.N.SANTHOSH Advocate on payment of necessary charges

CRL OP.8086/2021

Date :29/04/2021

TA-10/05/2021



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