

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10492 of 2021

Packiyaraj @ Backiyaraj

..Petitioner/Accused No.2

-Vs-

The State Rep.by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Cr.No.136 of 2021)

..Respondent /Complainant

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.136 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.C.Vijayaragavan

For Respondent : Mr.C.E.Pratap
Government Advocate(Criminal Side)

ORDER

(The case has been heard through video conference)

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.136 of 2021, on the file of the respondent, seeks anticipatory bail.

2. There are totally two accused. The case of the prosecution is that based on the secret information received on 16.04.2021, the respondent police conducted raid in MC Anbu Lodge at Velankanni and secured the victim girl who was subjected to prostitution. This petitioner has been made as second accused in this case. He is the lease owner of the lodge and one Selvaraj/A1 is the Manager of the lodge and he was the person who used to bring the girls for the purpose of luring them into lodge which was run as brothel.

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 owner of the 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 Government Advocate appearing for the respondent submits that the petitioner along with other accused brought the women 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 No.I, Nagapattinam, 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 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/-

16/06/2021

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, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.VIJAYARAGAVAN Advocate on payment of necessary charges

CRL OP.10492/2021

Date :16/06/2021

RVR 07/07/2021

WEB COPY