



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18898 of 2021

DINESH @ RAJASEKARAN

[PETITIONER/ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ORLEANPET POLICE STATION,
PONDICHERRY.
CRIME NO.142 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.BHARATHI, Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor for
Puducherry.

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 alleged offence under Sections 3(2)(a), 4(2)(c), 5(1)(a)&(D), 7(1)(b) of Immoral Traffic (Prevention) Act, 1956 in Cr.No.142 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were running a Prostitution Centre in the name of Massage parlour. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that the petitioner is the owner of the Spa and the petitioner along with other accused persons were illegally running a Prostitution Centre in the name of Massage Centre. He further submitted that there is no previous case pending against the petitioner. However, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and submissions made by the Learned Counsel for both sides and since there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate-II, Pondicherry 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner and 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;



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

WEB COPY

-sd/-

07/10/2021

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, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDHUCHERRY.

4 THE INSPECTOR OF POLICE,
ORLEANPET POLICE STATION,
PONDICHERRY.

+1 CC to M/S.S.BHARATHI, Advocate on payment of necessary charges SR.NO.11218

CRL OP.18898/2021

Date :07/10/2021

RW 26/10/2021