



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19302 of 2021

(*)1.JAWAHAR @ SURYA
2.SHAKILA BANU @ JAYA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ARUMBAKKAM POLICE STATION,
ANNA NAGAR , CHENNAI.
(CR NO.1042/2021)

[RESPONDENT]

For Petitioner : M/S.N.SYED ALI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
CRL.OP.NO.19302/2021, Dated:20/10/2021

MR.S.BALAJI, Govt. Advocate (Crl. Side)
[CRL.MP.NO.14100/2021
IN CRL.OP.NO.19302/2021] Dated:03/01/2022

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Cr.No.1042 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons were running a Prostitution Centre in the name of Beauty salon & Spa. Hence, the Law Enforcing Agency registered a case against the petitioners and other accused persons.

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



4.The learned Government Advocate (Crl.Side) submitted that the petitioners along with other accused persons were illegally running a Prostitution Centre in the name of Beauty salon & Spa and there are no previous cases pending against the petitioners. However, he strongly opposed to grant anticipatory bail to the petitioners.

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 petitioners, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are 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 Metropolitan Magistrate Court No. IV, Saidapet, Chennai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each, 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 petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
20/10/2021

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.

(*)Amended as per order of this Court dated 03/01/2022 made in CRL.MP.NO.14100/2021 IN CRL.OP.NO.19302/2021

TO

1 THE METROPOLITAN MAGISTRATE
NO.IV, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
ARUMBAKKAM POLICE STATION,
ANNA NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.SYED ALI Advocate on payment of necessary charges
SR.No.222

CRL OP.19302/2021

Date :20/10/2021

CSK 28/10/2021

CSK 12/01/2022