



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23303 of 2021

Dinesh @ Rajesakaran

...Petitioner

Vs.

...Respondent

State Rep.by its
The Inspector of Police
Dhanvantri Police Station,
Pondichery.
Crime No.169 of 2021

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 169 of 2021, on the file of the respondent police.

For Petitioner : Mr.S.Bharathi

For Respondent : Mr.Balamurugane
Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 34, 370 of IPC and Section 3(2) (a), 3(2) (b), 4 (1), 4(2) (c), 5(1) (d) of Immoral Traffic (Prevention) Act, 1956, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receiving the secret information, the respondent police has conducted a raid at the Blush Magic Beauty Care, at that time they found that some persons were indulged in prostitution and they were arrested. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is a license holder and running the said spa and he further submits that no such occurrence was taken place as alleged by the prosecution and he is an innocent person and he is no way connected in this case. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Organization as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the



4.The learned Additional Public Prosecutor on instructions submits that petitioner running the prostitution in name of the beauty parlor. He further submits that investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose , this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is 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 learned Judicial Magistrate No.I, 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) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Registered Advocate Clerks Association, Pondicherry, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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 on every Tuesday and Sunday at 10.30 a.m., for a period of four weeks and 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 has been imposed and the petitioner is 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;



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

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-sd/-
06/12/2021

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-I,
PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHANVANTRI POLICE STATION,
PONDICHERRY.

4 THE REGISTERED
ADVOCATE CLERKS ASSOCIATION,
PONDICHERRY.

5 THE PUBLIC PROSECUTOR
PONDICHERRY.

+1CC to M/S. S. BHARATHI Advocate on payment of necessary charges SR.NO.14331

CRL OP.23303/2021

Date :06/12/2021

CSK 17/12/2021