



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13269 of 2022

1 S.SIVARAJA
2 BABITHA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
DHANVANTRI NAGAR POLICE STATION,
PUDUCHERRY. CR.NO.0101 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.CHANDRASEKAR Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 370(2), 370(3) of IPC and Sections 3(1), 3(2)(a), 3(2)(b), 4(1), 4(2)(c), 5(1)(d), 6(1)(b), 7(1)(b) of Immoral Traffic (Prevention) Act, 1956 in Crime No.101 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that petitioners who are arrayed as A3 and A4 have taken a spa premises for rent from the A5 and upon a general complaint the respondent police searched the premises and found that they were indulged in doing illegal activities along with A1 and A2. Hence, this complaint.

3.The learned counsel for the petitioners would submit that the petitioners are husband and wife and they have been permitted to run a spa and they are not involved in any of the the illegal activities. He would further submit that,even A1 and A2 were arrested and already released on bail. Hence,he prays for anticipatory bail petition.

4.The learned Public Prosecutor would submit that the petitioners have been indulged in the illegal activities with the knowledge of the A5. Hence, he opposed to grant anticipatory bail to the petitioners.



5. Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Puducherry on condition that the petitioners shall execute separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily morning at 10.30 a.m., and evening at 5.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DHANVANTRI NAGAR POLICE STATION,
PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+2 CC to M/S.S.CHANDRASEKAR Advocate on payment of necessary
charges Sr.8800

CRL OP.13269/2022

Date :09/06/2022

RVR 20/06/2022