



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14255 of 2022

V.BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANTI VICE SQUAD -I,
CHINTHADRI PET, CHENNAI.
CRIME NO.79 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.SHREEDHAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

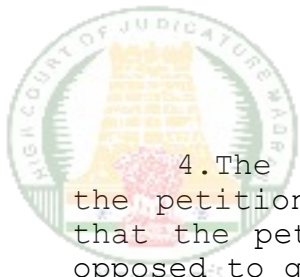
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(a), 4(1)(5)(1)(a) of ITP Act and later the Sections were altered as 3(2)(a), 4(1), 5(1)(a)5(1)(d) of ITP Act and Section 370A(2) in Crime No.79 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. .The case of the prosecution is that the petitioner was found to be involved in immoral trafficking activities in the M/s.Mazaya Unisex Spa owned by the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is the owner of the said said spa, the said spa is a licensed spa issued by Greater Chennai Corporation under Section 287 of the C.C.M.C.Act 1919. Further, the above license was given after various NOC's given by various Government Organizations including the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the said spa. He would also submit that the petitioner has three previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Though the learned counsel for the petitioner produced records to show that this is the case of 2018 and the petitioner has already involved in three previous cases other than the present private complaint, the petitioner was not arrested even till today, this Court is of the view that the custodial interrogation of the petitioner does not require and this court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy made ready, before the learned IV Metropolitan Magistrate, Saidapet, Chennai 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 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]**.



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

-sd/-

23/06/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

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

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANTI VICE SQUAD -I,
CHINTHADRI PET, CHENNAI.

+1 CC to M/S.M.SHREEDHAR Advocate on payment of necessary charges SR.NO.9814

CRL OP.14255/2022

Date :23/06/2022

TA-29/06/2022