



Crl.OP.No.28078 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 4(2) (c), 3(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.324 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused, in the guise of running a spa were running prostitution and hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the other accused persons are innocent and that they have been running a spa, whereas the police had demanded bribe from them, since they refused to pay the same, the police had foisted a case against them. He would submit that the arrested accused has been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner in the guise of running a spa have indulged in prostitution with three victims. He would submit that the victims have been secured and the arrested accused has been enlarged on bail. Asfar as the petitioner is concerned, there is no previous case pending against him. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Judicial Magistrate-I, Erode on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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., and 05.30 p.m., until further orders.

[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]**.



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

16.11.2022

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