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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11895 of 2022

Thirumal

... Petitioner/Accused No.2

VS

State Rep.by
The Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No.303/2022)

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.303/2022 on the file of the respondent police.

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(2)(c) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956, in Crime No.303 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 30.05.2022, when the defacto complainant was standing in the bus stand, the first accused is said to have stated that he has contact with girls, who are indulging in prostitution and there will be no torture from police parties. The defacto complainant was taken to the lodge and the second accused is said to have open the door of a room and showed some girls. Thereafter, the defacto complainant is said to have fled away from the lodge by stating that he needs to withdraw the cash from ATM. Later, he lodged the present complaint.



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court and hence, he may be granted anticipatory bail.

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4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that two witnesses have been examined so far and investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioner, 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 of receipt of a copy of this order, before the learned Additional Mahila Judge (Judicial Magistrate), Dindigul District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL MAHILA JUDGE (JUDICIAL MAGISTRATE),
DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11895 of 2022

Date :11/10/2022

CP

RS/SBN/SAR.1(14.10.2022) 3P-5C