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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18821 of 2022

Sai Karthick, ... Petitioner/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No.670 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Vishnu V, Advocate.

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

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

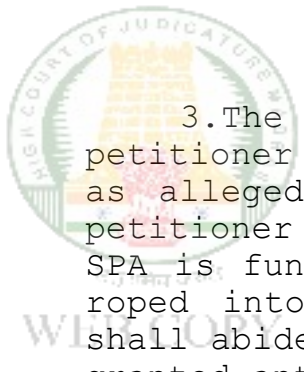
PRAYER :-

For Anticipatory Bail in Crime No.670 of 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(1), 4
(1), 5(1)(D) & 7 (1) (a) of Immoral Traffic (Prevention) Act 1956,
in Crime No.670 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 04.10.2022, when the
defacto complainant was standing in the bus stand, the first accused
had approached and induced the defacto complainant and taken him to
a SPA. The defacto complainant realized that illegal activities is
being carried out in the said SPA. Thereafter, he managed to evade
from the place and 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. He would further submit that the petitioner is only the proprietor of the said building, where the SPA is functioning and he is working at Bangalore and he has been roped into the case without any reason. However, the petitioner shall abide any condition imposed by this Court and hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that the first accused was arrested and thereafter released on bail and the petitioner is not having any previous case of similar in nature. He would further submit that the investigation in this case is yet to be 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 charges levelled against the petitioner and also the fact that the co-accused were already granted bail, 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 Court, Karur, 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 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.

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/11/2022

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT, KARUR.
- 2 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18821 of 2022
Date :20/10/2022

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PKP/SSS/SAR-1/01.11.2022/3P/4C