



Crl.O.P.Nos.1735 &1748 of 2023

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T.V.THAMILSELVI, J.

The petitioner in Crl.O.P.No.1735 of 2023, apprehends arrest for the alleged offence under Sections 3(2)(a), 3(2)(b), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956, in Cr.No.448 of 2022 on the file of the respondent police, seeks anticipatory bail.

The petitioner in Crl.O.P.No.1748 of 2023, apprehends arrest for the alleged offence under Sections 3(2)(a), 3(2)(b), 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act, 1956, in Cr.No.448 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P.No. 1735 of 2023 owns a lodge by Name Angel Residency and has leased out the same to one Mr.Miston who is the petitioner in in Crl.O.P.No.1748 of 2023. On 20.12.2022, based on a secret information, the respondent police inspected the said lodge and found that prostitution was going on in the said lodge. Hence, the complaint.



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3.The learned counsel appearing for the petitioner in Crl.O.P.No.1735 of 2023 submits that the complaint is totally fictitious and motivated one and hence, he would pray for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the petitioner in Crl.O.P.No.1748 of 2023 submits that the petitioner has taken the lodge on lease and on receipt of some false information, the respondent police have filed the present complaint against the petitioner and also against the owner of the lodge. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and there is no specific overt-act attributed as against this petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.side) would submit that on a receipt of a secret information, the respondent police inspected the said lodge and found that the lodge was being used for prostitution and hence, FIR came to be registered. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Considering the submissions made by the learned Government Advocate and the counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, **the petitioner in Crl.O.P.No.1748 of 2023 is directed to file an undertaking affidavit before the trial Court undertaking that he would not indulge in any illegal activities in the lodge and on filing of such undertaking affidavit, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kilvelur, and District Munsif-cum-Judicial Magistrate, Kilvelur, Nagapattinam District respectively, on condition that the petitioners shall execute a 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 and on further condition that:**



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(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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, on every Wednesday at 10.30 a.m for a period of eight 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

30.01.2023



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