



Crl.O.P.No.2843 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 3(2)(a), 3(2)(b), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.53 of 2023, seek anticipatory bail.

2. The case of the prosecution is that, when the respondent police received a secret information relating to the brothel in the “New Anandha Lodges” they went to the scene of occurrence, there they found some of the women were stayed at room no.11 & 12 respectively. Further, it is alleged that on enquiry, the respondent police came to know that the women were brought from the bus stand by saying that he would provide good job to them, thereafter he sent them for prostitution and hence the petitioners were arrested by the respondent police. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such



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offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused were running lodges in the name of “New Anandha Lodges” and doing brothel business. He also stated that they brought women from the bus stand that they would provide job for them and thereafter they sent men to their room for prostitution and the said lodge was closed. He further submits that the investigation is still pending. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions made by both the counsels and also the fact that the petitioners without prejudice his rights, on his own volition, is ready and willing to contribute some amount to



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any charitable trust, this Court is inclined to grant anticipatory bail to the petitioners. this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Kilvelur, Nagapattinam District*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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:

(a)the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Registered Advocates Clerks Association, Nagapattinam District**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and



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the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioners is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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