



Crl.O.P.No.3582 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(a), 3(2)(b), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, in Crime No.42 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent Police along with his police team have conducted raid at Sathya Lodge, Velipalayam and interrogated the petitioner who is the owner of the said Lodge. Thereafter, they conducted search and found that one Silambarasi and one Ganesh at room No.101. During the interrogation with the victim, she stated that she, who is the resident of Karaikkal, is a widow and came to Nagapattinam for employment. When she was at Nagapattinam bus stand, the accused promised her to give a job for good salary at the lodge and took her to the lodge and forced her for doing prostitution. Hence, the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner, without prejudice his rights, is prepared to deposit an amount of Rs.10,000/- as non- refundable deposit to any welfare scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is the owner of the Lodge named Sathya located at Velipalayam, along with the other accused had promised the victim to give a job for good salary at the lodge and took her to the lodge and forced her for doing prostitution with one Ganesh. He further submitted that the investigation has almost been completed and the lodge has also been closed. He also stated that no previous case is pending against the petitioner, however, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the lodge has been closed and also considering that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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**



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Magistrate No.I, Nagapattinam, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **“Registered Advocate Clerks Association, Nagapattinam”**, 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 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;

[c] **the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30a.m. for a period of three months and thereafter, as and when required for interrogation;**

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



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[e] the petitioner 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 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]**;

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

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