



Crl.O.P.No.4699 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(a), 4(1), 5(1)(a) of Immoral Traffic Prevention Act, 1956, in Crime No.62 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have indulged in prostitution by engaging three victims. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered and he would further submit that A3 in this case has been arrested, based on the confession statement of recorded from the other accused. The petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.4699 of 2023

WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with two other accused viz., Devi and Rajendran have indulged in prostitution in the guise of running a spa by engaging three victims. He would further submit that the victims have been secured and they have been produced before the home. He would further submit that there is no previous as pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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



Crl.O.P.No.4699 of 2023

WEB COPY

from the date on which the order copy made ready, before **the learned Judicial Magistrate, Madhavaram**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties** 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., and evening at 6.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



Crl.O.P.No.4699 of 2023

WEB COPY

[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 229A IPC.

13.03.2023

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Crl.O.P.No.4699 of 2023

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Crl.O.P.No.4699 of 2023

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