



Crl.O.P.No.5647 of 2023

A.D. JAGADISH CHANDIRA, J.,

WEB COPY

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 3(2)(a), 3(2)(b), 4(1), 5(1)(a) of Immoral Traffic (prevention) Act, 1956 and Section 370 of IPC in Crime No.109 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Anantharajan - Inspector of Police is that on 28.12.2022 he had conducted a search in the lodge and that he had seen one Vanitha, on enquiry she had informed that one Suresh had provided room to her and had stated that if she indulges in prostitution, she would get more money, thereby she was made to indulge in prostitution. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. The petitioner is A2 in this case, he would submit that the petitioner is only a leasee of the lodge. He would further submit that the respondent had requested free rooms and the petitioner did not agreed for the same, hence a false complaint as been registered. Earlier, the respondent had registered a case in Cr.No.448 of 2022 against the petitioner and others and on reading of the FIR would go to show that



both the FIRs are stereotyped. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the leasee of the lodge premises, the petitioner along with his brother in law/suresh engaged one Vanitha to indulge in prostitution. He would submit that one previous case is pending as against the petitioner in Cr.No.448 of 2022. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by either sides and also taking note of the fact that there is no previous case as against the petitioner, 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 Magistrate, Kezhvelur, Nagapattinam 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 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 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 6.30pm 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.

[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.

With the above directions, this Criminal Original Petition is ordered.

14.03.2023

tsh



WEB COPY



A.D. JAGADISH CHANDIRA. J,
tsh

Crl.O.P.No.5647 of 2023

14.03.2023.