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Crl.O.P.No.5945 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) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956, in Crime No.62 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that when the Sub-Inspector of Police, J-7 Velachery Police Station, Velachery, Chennai was on duty, he came to know that prostitution is being conducted in a Beauty Parlour/Spa at No.19A, Kamarajar Street, Velachery, Chennai. When the Sub-Inspector of Police went there, the petitioner/accused welcomed him and told that there are females with her for prostitution. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as



Crl.O.P.No.5945 of 2023

alleged by the prosecution. He would further submit that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.4699 of 2023 on 13.03.2023. He would further submit that the petitioner has no previous case pending against her and she is ready and willing to furnish solvent sureties and to abide by any stringent condition may be imposed on her. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that under the guise of running Beauty Parlour/Spa, the petitioner along with other accused had indulged in prostitution and in that Beauty Parlour/Spa, three victims were rescued. He would further submit that there is no previous case 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 including the FIR.



Crl.O.P.No.5945 of 2023

WEB COPY

6. Taking into consideration the above facts and circumstances of the case and the submissions made by Counsel on either side, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Metropolitan Magistrate No.IV, Saidapet, Chennai**, on condition that the petitioner shall execute a 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



CrI.O.P.No.5945 of 2023

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 every day at 10.30 a.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.

[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.

17.03.2023

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Crl.O.P.No.5945 of 2023

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Crl.O.P.No.5945 of 2023

17.03.2023