



CrI.O.P.No.7034 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), 7(1)(a) of the Immoral Traffic Prevention Act, 1956, in Crime No.10 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused under the guise of running a Spa had indulged in the prostitution. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case based on the statement recorded from the other accused. He would further submit that this is a fact that the petitioner is the owner of the premises and the accused had taken the premises on lease, stating that they are going to run a Spa, and without the knowledge of the petitioner, the other accused had indulged in the prostitution. He would further submit that there is no previous case pending against the petitioner and



CrI.O.P.No.7034 of 2023

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the petitioner is ready and willing to furnish solvent sureties and 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 Additional Public Prosecutor for the respondent would submit that the petitioner had under the guise of running Beauty Parlour/Spa, the petitioner along with other accused person had indulged in prostitution. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of 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 by either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.7034 of 2023

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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 from the date on which the order copy made ready, before the **learned Judicial Magistrate, Mahe, Puducherry**, on condition that the petitioner/accused 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 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., for a period of two weeks and thereafter every saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either



CrI.O.P.No.7034 of 2023

during investigation or trial.

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[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.

31.03.2023

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Crl.O.P.No.7034 of 2023

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Crl.O.P.No.7034 of 2023

31.03.2023