



Crl.O.P.No.7800 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(a), 4(2)(c) and 5(1)(d) of Immoral Traffic (Prevention) Act in Crime No.142 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were running a brothel by engaging three victims and the victims have been secured by the respondent police. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the second petitioner is also suffering from HIV. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners by engaging three victims



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have conducted prostitution. He would submit that as far as the first petitioner is concerned, he has no previous case against him and as far as second petitioner is concerned, he is an habitual offender and against him, six previous cases are pending and he was also earlier detained under Act 14. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the fact that the first petitioner does not have any previous case against him, this Court is inclined to grant bail to the first petitioner. However, since the second petitioner has got six previous cases and he was also detained under Act 14, this Court is not inclined to grant anticipatory bail to the second petitioner. Hence, as far as second petitioner is concerned, this Criminal Original Petition is dismissed.



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7. Accordingly, the first 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 Additional Mahila (Judicial Magistrate) Court, Ooty, The Nilgris District**, 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 bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

**[b] the first petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.**



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[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.

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