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Crl.O.P.No.9863 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.14 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Chellamuthu is that the petitioner in the guise of running a SPA involved in prostitution. 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 given against the petitioner. He would further submit that other than being the owner of the premises, the petitioner has no involvement in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner in the guise of running a Beauty Parlour and SPA, engaged four victims and indulged them in prostitution. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner undertakes to pay a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of any welfare scheme as prescribed by this Court.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner undertakes to deposit a sum of Rs.40,000/- to the credit of any welfare scheme, 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



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from the date on which the order copy made ready, before the **learned Judicial Magistrate, Saidapet**, on condition that the petitioner shall execute a 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 petitioners 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 petitioner shall deposit a sum of **Rs.40,000/-** to the credit of Government Model School, A.Kumaramangalam, Ulundurpet Taluk, Kallakurichi District, failing which, anticipatory bail granted by this Court shall automatically cancelled.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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