



Crl.O.P.No.15286 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 3 (2) (a), 3 (2) (b), 4 (1) and 5 (1) (a) of Immoral Traffic (Prevention) Act, 1956 and Section 370 IPC, in Crime No.277 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated in this case and they are innocent. Thus, he prayed for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Crl.Side) submitted that the first petitioner is a lease holder of the Stan Palace Lodge. Second petitioner is the Manager of the Lodge. Second petitioner had indulged the victim Kanmani into prostitution. He further submitted that investigation in this case is pending and opposed this petition.



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4.From the FIR allegations, this Court does not find any specific allegation as against the first petitioner. However, there is a specific allegation as against the second petitioner that he forced the victim Kanmani to indulge in prostitution. The victim has also given statement that the second petitioner has forced her and indulged her in prostitution. Therefore, this Court is not inclined to grant anticipatory bail to the second petitioner.

5.Considering the fact that there is no incriminating material available against the first petitioner, this Court is of the view that custodial interrogation of the first petitioner is not necessary and the first petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Kilvelur**, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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



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the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the first 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 everyday at 10.30 a.m., until further orders;

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by



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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.

6.Accordingly, this petition is dismissed as against the second petitioner and allowed as against the first petitioner.

17.07.2023

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