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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8889 of 2023

K.Vimal Raj,

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Pallathur Police Station,
Sivangangai District.
Crime No.34 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Sanjay S.M.,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 3(1), 3(2)(a), 4(1), 5(1)(a) and 6(1)(a) of Immoral Traffic (Prevention) Act, 1956, in Crime No.34 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police conducting regular inspection in the petitioner's SPA Centre namely, "Auyur Bhavanam in Ayurveda SPA Centre", they found number of persons were present in that SPA. When enquiring them, they answered improperly. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that Co-accused were already arrested and thereafter, released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that now the SPA Centre was closed and A2 and A3 were already arrested and released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that Co-accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Karaikudi.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 am., for a period of 12 weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/05/2023

/ TRUE COPY /

23/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALLATHUR POLICE STATION,
SIVANGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-7435[I] dated 17/05/2023)

ORDER
IN
CRL OP(MD) No.8889 of 2023
Date :17/05/2023

PKP/BUC/SAR- /23.05.2023/ 3P/7C

<https://www.mhc.tn.gov.in/judis>