



CRL OP(MD). No.19359 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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Rajeshwari

... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
Karaikudi North Police Station,
Sivaganga District.
(Crime No.322 of 2023).

... Respondent/ Complainant

For Petitioner : Ms.Krishnaveni.P, 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. 322 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-
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The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 3(1) and 4(1) of Immoral Traffic (Prevention) Act, 1956, in Crime No.322 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that on 22.10.2023 at about 02.00 p.m., when the respondent Police was conducting search at Dreams SPA at Aditya Lodge, Pari Nagar, Karaikudi, they found that the petitioner was doing some illegal activities by using women. Respondent rescued two victim ladies from the said premises and also arrested one person. The respondent Police has registered a case in Crime No.322 of 2023 under Sections 3(1) and 4(1) of Immoral Traffic (Prevention) Act, 1956.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the SPA. The petitioner has filed a writ petition against the respondent Police and got an order from this Court on 12.09.2023, forbearing the respondent-Police from anyway interfering with the peaceful conduct of the petitioner's business.



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Therefore, a false case has been foisted against the petitioner. The petitioner is a woman and a law abiding citizen. She has not committed any offence as alleged by the respondent. Hence, the learned counsel prayed to grant pre-arrest bail in favour of the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is running the SPA and doing some illegal activities by using women. The respondent Police has rescued two victims from the said SPA and arrested one person said to be Manager of the SPA. Based on his confession, the petitioner has been arrayed as Accused No.2 Further, the learned Government Advocate (Crl.Side) submitted that if pre-arrest bail is granted to the petitioner, she will do the similar offences. Accordingly, he prayed to dismiss the petition.

5.Heard both sides. This Court has perused the records.

6.The petitioner has no previous case and she has permanent residence. Hence, possibility for absconding is very less. Petitioner is a woman. Considering the nature of offence allegedly committed by the petitioner and considering the case of



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the petitioner, this Court is of the considered view that custodial interrogation of the petitioner may not be necessary for the investigation. Hence, this Court is inclined to allow the petition, however subject to the conditions:-

7. Accordingly, this Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioner subject to the following conditions:-

i) the petitioner is ordered to be released on bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate. Karaikudi, Sivagangai District, within a period of 15 days from today, on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate. Karaikudi, Sivagangai District;

(ii) the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders;

(iii) the petitioner and the sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioner shall not tamper with the evidence or witness either during



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investigation or trial;

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(v) the petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioner absconds, a fresh FIR shall be registered under Section 229 (A) of IPC;

(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

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/11/2023

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

PNM

TO

1. The Judicial Magistrate, Karaikudi, Sivagangai District
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.



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3. The Inspector of Police,
Karaikudi North Police Station,
Sivaganga District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-15652[I] dated 30/10/2023)

ORDER
IN
CRL OP(MD) No.19359 of 2023
Date :26/10/2023

RK/VRS (02/11/2023) 6P / 6C

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