



CRL OP(MD). No.19844 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19844 of 2023

1. S.Karthik @ Yuvaraj,
2. L.Rajkumar,

... Petitioners/ Accused No.2&4

Vs

The state through
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No.322/2023.

... Respondent/ Complainant

For Petitioners : M/s.Nelson Pandian,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.322/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 3(1), 4(1) of Immoral Traffic (Prevention) Act, 1956 in Crime No.322 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted a raid and at that time, found that the petitioners herein and other accused are running a SPA illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that co-accused have already released on bail and there is no previous pending against the petitioners. He further contended that the investigation of the case is pending and hence, strongly objected to granted bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and that the co-accused have already been released on bail and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

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



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

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[e]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 is 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 229-A IPC.

sd/-
09/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. The Judicial Magistrate, Karaikudi, Sivagangai District.
2. Do through the Chief Judicial Magistrate, Sivagangai District.
3. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.



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

+1. CC to M/S.NELSON PANDIAN Advocate SR.No.16214

ORDER

IN

CRL OP(MD) No.19844 of 2023

Date :09/11/2023

SSA/JGB/(21.11.2023)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.