



CrI.O.P.No.19908 of 2024

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 3(2)(a), 4(2)(c), 5(1)(a), 7(1)(b) of Immoral Traffic (Prevention) Act, 1956 in Crime No.129 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is a broker and is running a brothel house. When the defacto complainant was standing at the bus stand, the petitioner along with other accused approached the defacto complainant and took him to the lodge, demanding Rs.10,000/- to fulfil his desire. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the third anticipatory bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. He would further submit that he is ready to abide by any



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conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are three accused in this case and the petitioner herein is arrayed as A1. He further submitted that the petitioner along with other accused are said to have running prostitution business and instigated the defacto complainant for prostitution. He further submitted that the petitioner has no previous case pending against him and the investigation was also completed. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, and considering the nature of offence, and the petitioner has no previous case, pending against him and also considering all other factors, this



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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 from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, Salem, on condition that the 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police for a period of 30 days and thereafter as and when required for interrogation.

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

[c] the petitioner shall not abscond either during investigation or trial.



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[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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