



Crl. O.P. No.20371 of 2024

Crl. O.P. No.20371/ of 2024

WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 3(2)a, 4(1), 5(1)a of ITP Act @ 3(2)a, 4(1), 5(1)a of ITP Act and 11 r/w 12, 18 of POCSO Act 2012 @ 3(2)a, 4(1), 5(1)a of ITP Act, 11(v) r/w 12, 5(i)(ii) r/w 6 and 18 of POCSO Act, 2012 in Cr. No.75 of 2019, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 17.12.2019, the respondent police, while indulging in the duty to monitor the immoral traffic (prevention) act cases through internet, found an advertisement given through Locanto App with regard to body massage at Mogappair, Chennai and the police party went to the massage centre at Flat No.23, VGN Nagar, Phase-I, 3rd Cross Street, Nolambur, Chennai-95 in the name of 'Mountain Spa' and the persons namely Arun Pandian, Arjun and Nishanth were introduced as workers in the said Spa and police party were informed that there are some packages in the names of 'Happy ending', body to body massage etc., and on enquiry, it came to know that the accused had indulged in sexual activities and five girls were rescued and out of the five girls, three of them were minors and hence the case.



Crl. O.P. No.20371 of 2024

3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he is no way connected with the commission of offence, that he was the lease holder of the said premises from 01.03.2019 to 01.02.2021, that he had taken the said premises on lease on 01.03.2019 and it was terminated on 01.07.2019 and he had vacated the premises before 01.07.2019, that he is not a named accused in the FIR, that in this case, investigation was completed and charge sheet was also filed and the same was taken on the file of Mahila Fast Track Court, Tiruvallur in Spl. S.C. No.74 of 2024, in which the petitioner is arrayed as A5 as absconding accused and he was not a tenant at the time of occurrence and hence he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the State would submit that the petitioner along with other accused, had indulged in sexual activities and five girls were rescued from the place of occurrence at massage centre at Chennai Mogappair and hence he strongly objected to grant anticipatory bail to the petitioner. He further submitted that investigation was completed and the case is taken on the file of Mahila Fast Track Court, Tiruvalur in Spl. S.C. No.74 of 2024.

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



Crl. O.P. No.20371 of 2024

6. Considering the rival submissions put forth on either side and considering the fact that already investigation was completed and the case has been taken on file in Spl S.C. No.74 of 2024 before the Mahila Fast Track Court, Tiruvallur and the petitioner is not a named accused in the FIR, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 on which the order copy made ready, before the learned **Sessions Judge, Mahila Fast Track Court, Tiruvallur** on condition that the petitioners shall each 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 Fast Track Mahila Court, Tiruvallur on every working day at 10.30 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of



Crl. O.P. No.20371 of 2024

the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

02.09.2024

mjs

To

- 1.The Fast Track Mahila Court, Tiruvallur.
- 2.The Inspector of Police, W8 All Women Police Station, Tirumangalam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

mjs



WEB COPY



Crl. O.P. No.20371 of 2024

CRL O.P. No.20371 of 2024

02.09.2024