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Crl.O.P.No.28958 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/third accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(i), 4(i), 5(i)(a), 6(i)(a) of Immoral Traffic Prevention Act 1956 in Crime No.328 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that the accused Nos. 1 and 2 had taken the house of the petitioner on lease and had used it for prostitution and for immoral purposes.

3. The earlier application seeking anticipatory bail was dismissed on 24.11.2023 in Crl.O.P.No. 26695 of 2023. It is stated that the investigation could not proceed since the present petitioner is absconding.

4. Taking all the factors into consideration and also the fact that the investigation has to be completed atleast keeping in mind the victim woman, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in



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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 Judicial Magistrate, Vannur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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



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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 229A IPC.

23.01.2024

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