

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30561 of 2024

Vijayan @ Arunkumar

.... Petitioner

Vs

State, Rep by
The Sub-Inspector of Police,
Fairlands Police Station,
Salem District.
(Crime No.219 of 2023)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 219 of 2023 pending on the file of the respondent police.

For Petitioner	:	Mr.A.Nethra
For Respondent	:	Mr.S.Santhosh
		Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.219 of 2023 registered for the offences punishable under Sections 3(2)(b), 4(2)(c), 5(1)(a), 7(1)(b) of Immoral Traffic (Prevention) Act, 1956, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, were found to be involved in immoral trafficking activities. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that there are totally three accused in which the petitioner is arrayed as A1. The petitioner, along with other accused, were found to be involved in immoral trafficking activities. He further submitted that the petitioner has no previous cases pending against him.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Salem, on condition that the petitioner 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 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 of BNS.

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Index : Yes/No

Internet : Yes/No

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To

1.The Sub-Inspector of Police,
Fairlands Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J,

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