

CRL.OP(MD). No.2527 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2527 of 2025

Karthik @ Mariappan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.85 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.85 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.P.Vijay Ananth, Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-



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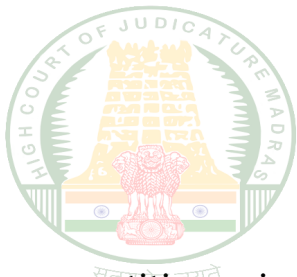
This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(1), 4(1), 5(1)(d) and 7(1)(a) of the Immoral Traffic (Prevention) Act, 1956, in Crime No.85 of 2025 on the file of the respondent police.

3. The case of the prosecution is that, on 01.02.2025, at about 12:00 p.m., when the defacto complainant was standing near a shop at Jawahagar Bazar, Karur Town, the petitioner approached the defacto complainant and spoke to him as if they were well-known. The petitioner then took the defacto complainant to a spa (massage center), where the defacto complainant found three women attempting to coerce him into prostitution by offering their services in exchange for a sum of Rs.1,800/-. Realizing their intentions, the defacto complainant managed to escape, stating that he would withdraw cash from an ATM. Hence, the complaint.

4. Mr.S.P.Vijay Ananth, the learned counsel for the petitioner, submits that the

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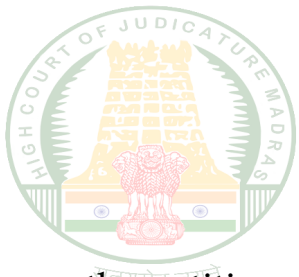
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petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He, however, submits that he is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.1. He further states that the petitioner is the owner of the spa and Accused No.2 is worker. Therefore, he contends that, if pre-arrest bail is granted to the petitioner, he will commit similar offence in future. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the fact that the petitioner has permanent residence and therefore, there is less possibility for absconding and also considering the fact that there are no previous cases against



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the petitioner and hence, with a view to give an opportunity to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Karur, Karur District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Karur, Karur District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



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(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.I, KARUR, KARUR DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3.THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2527 of 2025

Date :10/02/2025

RK/SKN/ SAR-1 (19/02/2025) 6P / 5C

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