



CRL OP(MD). No.2542 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2542 of 2025

Venkatachalam,
S/o. Babakrishnan,
7,Devaraj Nagar Pirivu,
Nedugundram,
Kanchipuram District.

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Town South Police Station,
Thanjavur District.
Crime No. 5/2025.

... Respondent/ Complainant

For Petitioner : Mr.Dhilipan Pandian R L,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
WEB COPY

For Anticipatory bail in Crime No. 5 of 2025 on the file of the Respondent-Police

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 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) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956 in Crime No.5 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 09.01.2025, the defacto complainant, who is the Inspector of Police, along with his police team, based on a secret information, was conducting an inspection in the massage centre run by the petitioner herein. During the inspection, they found that the petitioner along with other accused persons were engaged in prostitution business in the massage centre. The allegation against the petitioner is that he is the owner of the said massage centre. Hence, the case.



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WEB COPY

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that the petitioner has been falsely implicated in this case. He further submits that he is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there is no previous case against the petitioner. He further submits that there are totally three accused persons in this case and Accused No.1 was arrested and remanded to judicial custody. If pre-arrest bail is granted, the petitioner will commit similar offences. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

6. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. The petitioner is the first offender. Considering the above facts and with a view to give an opportunity to the petitioner to reform himself in the society, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District, within a period of fifteen days from the date on which the order



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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, Thanjavur, Thanjavur District;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice (i.e., on Monday and Friday at 10.00 a.m.,) until further orders;

(iii) 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 No.I, Thanjavur, Thanjavur District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District;

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Thanjavur, Thanjavur District 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].



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

sd/-
12/02/2025

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/02/2025

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

TSG

TO

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKOANM.

3.THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1681[I] dated 14/02/2025)

ORDER

IN

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Date :12/02/2025

RK/SKN/ SAR-2 (19/02/2025) 5P / 6C

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