

CrI.O.P.No.6509 of 2016K.KALYANASUNDARAM, J.

The petitioners are A3 to A5 and they were arrested and remanded to judicial custody on 12.01.2016 for the alleged offences punishable under sections 366(A), 370(4), 370 A(1), 372, 737, 376(2)(i) of IPC and Section 17 read with 4 of Protection of Children from Sexual Offences Act 2012 and Sections 3(2)(a), 4(1), 5(1) of ITP Act 1956 and Sections 23 and 26 of J J Act 2000, in Crime No. 1 of 2016 on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the victim is aged about 15 years and she was secured by CBCID in Crime No. 20 of 2014. When she was handed over to Non Government Organisation (MCCSS) for rehabilitation, the girl was missing from 20.07.2015 and she appeared before the Hon'ble Division Bench of this Court in H.C.P.No. 3177 of 2015 and later, it came to the light that the accused Nos. 1 and 2 were using the victim for prostitution in the lodge where the first accused is working as Manager and the accused Nos. 2 and 3 are working as room boys and also as brokers. It is the further case of the prosecution that the victim was shifted to Tuticorin and she was also used for the prostitution purpose.

3. The learned counsel appearing for the petitioners submitted that there are totally nine accused in this case and all of them have been secured and they are in judicial custody. It is further submitted that the first accused, who is prime accused, has been detained under Act 14 of 1982 and the allegation against the petitioners are that they are working as employees in the lodge.

4. The learned counsel further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they are in judicial custody for more than 80 days and they are ready to co-operate for investigation and trial.

5. The learned counsel appearing for the intervenor would vehemently oppose the bail petition contending that when the victim was in MCCSS, the first accused had kidnapped her to use for prostitution. It is further contended that the investigation is at prime stage and if the accused are granted bail, they would either tamper the witnesses or hamper the investigation.

6. The learned Government Advocate (Criminal side) appearing for the respondent submitted that as per the order of this Court, the pregnancy of the victim was terminated and now they are waiting for DNA test to file a charge sheet and there is no previous case against the petitioners.

7. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a personal 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 Sessions Judge, Mahila Court, Chennai and on further condition that the petitioners shall report before the respondent police daily twice at 10.00 a.m., and 05.00 p.m., until further orders.

11.04.2016

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K.KALYANASUNDARAM, J.

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