



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.10978 of 2017

MURUGESHWARI @ MURUGALAKHSMI

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
TUTICORIN DISTRICT,
CRIME NO. 94/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.SELVA Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

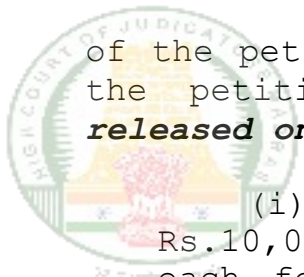
The petitioner / A1, who was arrested on 11.06.2017 for the offences punishable under Sections 3(i) Immoral Traffic (Prevention) Act, 1956 @ 5 r/w 6 and 13 r/w 14 of POCSO Act, 2012 in Crime No.94 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were running a brothel house wherein, a victim girl aged about 14 years was subjected to prostitution.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that initially FIR was registered against one named and 3 unnamed accused and based on the statement of the victim girl, other accused names were mentioned in the FIR. He also submitted that no similar type of previous case is pending against the petitioner and investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that no similar type of previous case is pending against the petitioner and also the period of incarceration



of the petitioner in jail, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) 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 Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-

21/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM (FAST TRACK COURT), THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.

+1. CC to M/S.V.SELVA Advocate SR.No.29053

CSL/CM-MSA/SAR-III/22.08.2017 : 2P/6C

ORDER

IN

CRL OP (MD) No.10978 of 2017

Date : 21/08/2017