



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.603 of 2018

1 ASKAR  
2 VINITH  
3 PIJESH

... PETITIONERS / ACCUSED Nos.2 to 4

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
KARUR TOWN POLICE STATION,  
(IN CRIME NO.1058 OF 2016),  
KARUR DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.GANDHI Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side)

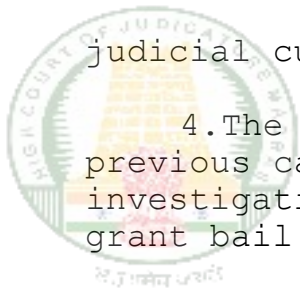
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 to A4, who were arrested on 28.12.2017 and remanded to Judicial Custody on the same day for the offences punishable under Sections 3(2)(b), 5(1)(a), 5(1)(b), 5(1)(c) of Immoral Traffic (Prevention) Act, 1956, in Crime No. 1058 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners took away a minor girl and used her for prostitution. Hence, the respondent police registered a case against one Palanibharathy and five others for the offences punishable under Sections 3(2)(b), 5(1)(a), 5(1)(b), 5(1)(c) of Immoral Traffic (Prevention) Act, 1956. The petitioners were arrested and remanded to judicial custody on 28.12.2017.

3.The learned counsel for the petitioners submitted that the petitioners/A2 to A4 have not committed any offence as alleged by the prosecution. Due to the business motive, false complaint has been foisted against the petitioners. The petitioners are professional Ayurvedic Therapist. He further submitted that A1 in this case was granted bail by the Judicial Magistrate No.I, Karur in Crl.M.P.No.124 of 2018, dated 12.01.2018. The petitioners are in



judicial custody from 28.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) submitted that no previous case is pending against these petitioners. According to him investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioners.

5.The submissions made by the learned counsel on either side are considered. Today, the learned counsel for the petitioners has produced the copy of the Aadhar Card in favour of A2 to A4, in which, they are having permanent residence address. According to prosecution, it is alleged that during the time of occurrence, the accused persons herein along with the help of A1 running a Ayurvedic Health Centre, in which, the alleged offence was happened. Now, they are in judicial custody from 28.12.2017. So, considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the fact that the accused persons being the residence of Kerala State, this Court wanted to impose some stringent condition to the petitioners.

6.Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i)the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur and among the two sureties, one surety must be a resident of Karur Town.

(ii)the petitioners is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

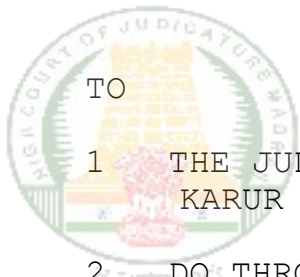
(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

22/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,  
KARUR

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

COPY TO:-

THE OFFICE INCHARGER,  
SUB-JAIL, KARUR

+1. CC to M/S.R.GANDHI Advocate SR.No.1046

JAM/22/01/2018/PM-PN/ SAR 4 / 3P-7C

ORDER

IN

CRL OP(MD) No.603 of 2018

Date :22/01/2018