

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.22361 of 2019

Kamala Biswas

... Petitioner

Vs.

1. State by

The Inspector of Police,
AVS-II, Chindadripet,
Chennai.2

2. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore, Chennai-600 008.

3. The Superintendent,
Government Home for Women,
Mylapore, Chennai-4.

4. Kalyani Biswas

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction, directing the 2nd respondent to file a report pertaining to the detention of the detenu by name Kalyani Biswas and direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the Crl.MP.No. not known of 2019 in Crime No.24 of 2019 on the file of the 1st respondent.

For Petitioner : Mr.S.Prabhudoss

For R1 to R3 : Mr.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed by the sister of the detenu seeking for release of the detenu, who is now detained before the 3rd respondent Government Home for Women.

2. The first respondent registered an FIR in Crime No.24 of 2019 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act. The petitioner is the sister of the fourth respondent, namely Kalyani Biswas was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home on 17.07.2019.

3. The learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.Not Known of 2019 before the Court below seeking for the release of the petitioner's sister and the same is kept pending on the ground that the P.O report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4. The learned counsel for the petitioner brought to the notice of this Court the earlier orders passed by this Court in CrI.O.P.No.29421 of 2019, CrI OP No.2525 of 2019, CrI OP No.8202 of 2019 and CrI OP No.8733 of 2019, wherein this Court has dealt with an issue of similar nature.

5. Taking into consideration the earlier orders passed by this Court and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The petitioner before taking her sister namely the 4th respondent from the home, shall produce necessary evidence to show her relationship with the 4th respondent. The 4th respondent on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6. This Criminal Original Petition is disposed of, with the above direction.

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सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

To

1. State by
The Inspector of Police,
AVS-II, Chindadripet,
Chennai.2

2. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore, Chennai-600 008.

3. The Superintendent,
Government Home for Women,
Mylapore, Chennai-4.

4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.S.Prabhudoss, Advocate, SR.No.71506

Cr1.O.P.No.22361 of 2019

Kak (21/08/2019)



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