



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

Date : 05/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.12497 of 2019

1. Gayathri,
2. Nageswari,
3. Jobitha,
4. Siravan, ... Petitioners/Accused No.1 to 4

Vs

State rep by
The Inspector of Police,
S.S. Colony Police Station,
Madurai.
Cr. No. 782/2019. ... Respondent/Complainant

For Petitioners : M/s. K. Durairaj,
Advocate.
For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

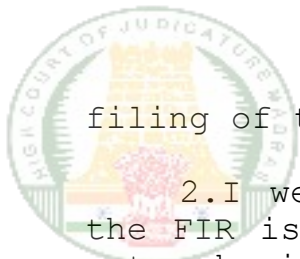
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.782 /2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners have been implicated as A1 to A4 in Crime No.782 of 2012, on the file of SS Colony Police Station for the offences under Sections 4(2)(c), 4(2)(a) and 5(1)(d) of Immoral Trafficking (Prevention) Act, and 370(A) (2) of I.P.C. They were arrested on 31.08.2019 and remanded to judicial custody. The petitioners moved the learned Judicial Magistrate No.V, Madurai for bail but the same was dismissed on the ground that the offences are triable by the Sessions Court. The learned counsel appearing for the petitioners made a mention before this Court and wanted to move this Court directly. Since the first petitioner is pregnant and having a 1 ½ year old child, this Court permitted



filing of this bail petition directly.

2.I went through the contents of FIR. All that is stated in the FIR is that the centre in which the petitioners are working is not a having proper certification and that the petitioners were not in a proper uniform. It is also alleged that the CCTV Camera installed in the centre was in a state of disuse. No proper register was maintained. The defacto complainant comes to the conclusion on this basis that prostitution was going on in the centre. I am of the view that while the other aspects of the defacto complainant may be true, the inference may not be justified. In any event, the petitioners herein cannot be straightaway branded as such. In any event, continued incarceration of the petitioners herein is not quite warranted. Therefore, they are granted bail. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

[a] the petitioners are ordered to be released on bail on his executing 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 Judicial Magistrate No.V, Madurai.

[b] the petitioners shall report before the respondent police as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/09/2019

/ TRUE COPY /

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



TO

1. Judicial Magistrate No.V, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Central Prison, Madurai.
4. The Superintendent, Central Prison for Women, Madurai.
5. The Inspector of Police,
S.S. Colony Police Station,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.K.DURAI RAJ, Advocate Sr. No. 14824

ORDER
IN
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TR/PN/SAR-I (05.09.2019) 3P 8C