



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1261 of 2019

Rani Kulthar

: Petitioner/Victim-1

Vs.

1.State represented through
the Inspector of Police,
Thilagar Thidal Police Station,
Tamilsangam Road,
Madurai.

(In Crime No.731 of 2019)

:Respondent/Complaint

2.The Superintendent,
Government Vigilance Home,
Madurai-14.

: Respondent-2

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondent to produce the body or person of the detenu namely Rani Kulthar, D/o.Samsu, (Muslim, Female, aged 31 years) in the present case before this Court and set her at liberty.

For Petitioner

: Mr.K.Durairaj

For Respondents

: Mr.K.Dinesh Babu

Additional Public Prosecutor

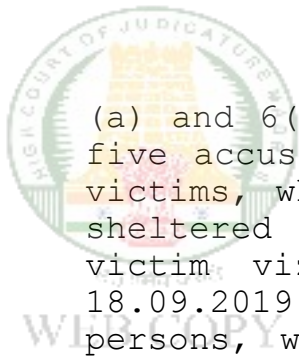
ORDER

(Order of the Court was made by T.RAJA., J)

Rani Kulthar, who is the petitioner herein, has filed the present Habeas Corpus Petition seeking a direction to the respondents to set her at liberty.

2.Heard Mr.K.Durairaj, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents.

3.In the affidavit filed in support of the petition, it is seen that the petitioner is a trained Therapist in Panchakarma and Ayurvedic Therapy and on the basis of said qualification, she joined as a Therapist in National SPA Centre, which is functioning at Cosmopolitan Hotel, Railway Junction, Madurai. While so, the respondent police has foisted a false case in Crime No.731 of 2019 for the offences under Sections 3(1), 4(1), 4(2)(a), 4(2)(c), 6(1)



(a) and 6(1)(1)(d) of Immoral Trafficking (Prevention) Act, against five accused persons and two victims. The petitioner is one of the victims, who was secured from the occurrence spot and subsequently, sheltered in Government Vigilance Home from 16.09.2019. The another victim viz., Rehana Begum was handed over to her mother on 18.09.2019. Further, it is stated that the other five accused persons, who were named in the FIR in Crime No.731 of 2019, were also released on bail by the Learned Judicial Magistrate No.II, Madurai, on 20.09.2019. The petitioner is no way connected with the instant case as alleged by the prosecution and she was working at the SPA Centre and she was never forced to work there as alleged by the respondent police. The petitioner's mother, who is residing at Bangalore, is a sick person and bedridden and could not move anywhere and hence, she was not able to produce any ID proof. Further, it is stated that the petitioner's husband also deserted her before 8 years back.

4.Taking note of these peculiar circumstances, the petitioner's cousin sister viz., Mrs.Lina Begum, has moved an application for custody of the petitioner/detenu in Sr.No.6626/2019 dated 19.09.2019 and the same was returned with an endorsement that "there is no proof to show that the petitioner is the sister of the victim". In these circumstances, the petitioner herself has come forward to file this present Habeas Corpus Petition.

5.The learned counsel appearing for the petitioner submitted that in the FIR itself, the name of the petitioner was not found and she has not been arrayed as an accused. He further submitted that as the petitioner is shown only as a victim, she cannot be kept in the Home for the reason that she is not having any ID proof and hence, he prays that the detenu has to be set at liberty.

6.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner's name was not found in the FIR and she is only shown as a victim.

7.Considering the facts and circumstances of the case that the petitioner is only shown as a victim and not as an accused, she cannot be kept in the Government Vigilance Home, hence, this Court is inclined to set out the detenu.

8.In view of the above, this Habeas Corpus Petition is allowed and the detenu is set at liberty.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



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To

- 1.The Inspector of Police,
Thilagar Thidal Police Station,
Tamilsangam Road,
Madurai.
- 2.The Superintendent,
Government Vigilance Home,
Madurai-14.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.DURAI RAJ, Advocate (SR-103310[F] dated 04/12/2019)

Order made in
H.C.P. (MD)No.1261 of 2019
Dated: 04.12.2019

VB(11.12.2019) 3P 5C