

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7621 of 2020

Nashmul Sheik

...Petitioner

Vs.

1.State Rep. by
Inspector of Police,
AVS-I, Police Station,
Chennai.
(Crime No.25 of 2020).

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

3.The Superintendent,
Government Home for Women,
Mylapore,
Chennai 600 004.

4.Fathima

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the 3rd respondent to immediate release the detainee/4th respondent the victim namely Fathima, D/o.Shamhul Sheik, aged about 25 years from the vigilance home and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the Cr1.M.P.No.Not Known of 2020, in Crime No.25 of 2020, on the file of 1st respondent.

For Petitioner : Mr.R.Mohan

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

O R D E R

This petition has been filed by the brother of the detenue seeking for release of the detenue, who is now detained before the 3rd respondent Government Home for Woman.

2. The 1st respondent registered an FIR in Crime No.25 of 2020 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the brother of the 4th respondent, namely Fathima, who was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home.

3. The learned counsel for the petitioner submitted that the petitioner filed a petition in Crl.M.P.No.Not Known of 2020 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. Taking into consideration the earlier orders passed by this Court in Crl.O.P.No.27063 of 2018 and Crl.O.P.No.26714 of 2018, wherein this Court has dealt with an issue of similar nature 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 his 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, Saidapet, once in a week on Monday at 10.30 a.m., till the P.O. report is submitted before the Court.

5. This Criminal Original Petition is disposed of, with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The IV Metropolitan Magistrate,
Saidapet,
Chennai

2.The Inspector of Police,
AVS-I, Police Station,
Chennai.

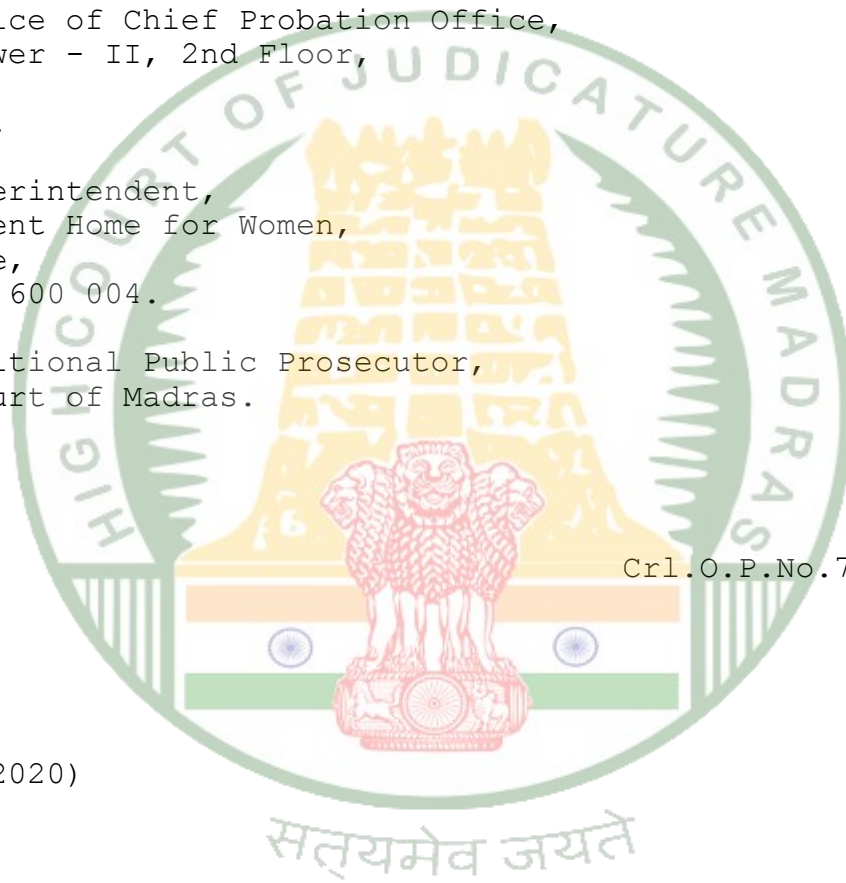
3.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore,
Chennai.

4.The Superintendent,
Government Home for Women,
Mylapore,
Chennai 600 004.

5.The Additional Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7621 of 2020

SJ(CO)
RN(09/06/2020)



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