

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3073 of 2021
and Crl.M.P.No.1717 of 2021

B.J.Prakash Kumar

... Petitioner

Vs.

State Represented by its

1. The Inspector of Police,
V-6 Kolatur Police Station,
Kolatur,
Chennai - 600 012.
2. The Chief Probation Superintendent,
The Office of Chief Probation Officer,
CMDA Tower II, 2nd Floor,
Egmore, Chennai.
3. The Superintendent,
Government Home for Women,
Mylapore, Chennai 600 004.
4. P.Sumathi
W/o B.J.Prakash Kumar,
No.63/98 , Cementry Road,
Old Washermenpet,
Chennai-21.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to file a report pertaining to the detention of the detenu by name P.Sumathi W/o.Prakash aged about 41 years and in pursuance direct the IV Metropolitan Magistrate, Saidapet to dispose of the Crl.MP.No.35/2021 in Crime No.19 of 21 as expeditiously.

For Petitioner : Mr.K.M.Devan

For R1 to R3 : Mr.C.Raghavan
Government Advocate

O R D E R

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

2 The first respondent registered an FIR in Crime No.19 of 2021 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the husband of the fourth respondent. The petitioner's wife namely P.Sumathi was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home on 02.02.2021.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.35 of 2021 before the Court below seeking for the release of the petitioner's wife 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 order 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 order 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 his wife 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 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. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
V-6 Kolatur Police Station,
Kolatur,
Chennai - 600 012.
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 600 004
4. The Public Prosecutor,
High Court of Madras, Chennai.
5. The IV Metropolitan Magistrate,
Saidapet.

+1cc to Mr.K.M.Devan, Advocate Sr.9460

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srg 18/02/2021

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