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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20308 of 2021
and
Crl.M.P.No.11055 of 2021

A.Sathish Kumar

...Petitioner

Versus

1. The Inspector of Police
Tiruppur South Police Station
Tiruppur District.

2. The Chief Probation Superintendent
The Office of Chief Probation Office
Collectorate Office Building
Tiruppur,
Tiruppur District.

3. The Superintendent
Govt. Home for Women
No.10, Irukool Road
Opp.Primary School
Ondipudur
Coimbatore 641 016.

4. Nisha @ Sapna

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the second respondent to file a report pertaining to the detention of the detainee by name Nisha @ Sapna, W/o.Sathish Kumar and in pursuance direct the Judicial Magistrate No.I, Tiruppur, to dispose of Crl.M.P.No.Not Known of 2021 in Crime No.1813 of 2021 as expeditiously as possible.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.A.Damodaran for R1 to R3
Additional Public Prosecutor



O R D E R

The Criminal Original Petition has been filed to grant a general direction directing the second respondent to file a report pertaining to the detention of the detainee by name Nisha @ Sapna, W/o.Sathish Kumar and in pursuance direct the Judicial Magistrate No.I, Tiruppur to dispose Crl.M.P.No.Not Known of 2021 in Crime No.1813 of 2021 as expeditiously as possible.

2. The petitioner's wife Nisha @ Sapna is detained in the third respondent's home pursuant to the case in Crime No.1813 of 2021 for the offence under Sections 4(2) (c), 4(1) and 5(1) (d) of the Immoral Traffic (Prevention) Act, 1956. The petitioner filed a miscellaneous petition before the Judicial Magistrate No.I, Tiruppur, seeking release of her wife and the same is kept pending for Probation Officer's report. The detainee has got proper proof of address and roots in Madurai and for the purpose of employment, they came to Tiruppur. They got three children and petitioner is taking care of all the children. If she is released, she will not not abscond. The petitioner filed an affidavit to that effect with relevant documents and she is ready to cooperate with the investigation and also during the trial.

3. The learned Additional Public Prosecutor has submitted that the detainee Nisha @ Sapna was arrested in Crime No.1813 of 2021 for the offence under Sections 4(2) (c), 4(1) and 5(1) (d) of the Immoral Traffic (Prevention) Act, 1956. The petitioner would claim that he and his wife are native of Vadipatti, Madurai and their presence in Tiruppur is highly doubtful. If the petitioner's wife is let of without proper verification, it is difficult to apprehend and proceed with the investigation. Hence, the Probation Officer's report is very much necessary.

4. Considering the submissions and perused the materials, it is seen that the petitioner is husband of the detainee Nisha @ Sapna. Copies of Adhar Card of the petitioner and his wife are produced.

5. In view of the same, the Judicial Magistrate No.I, Tiruppur, is directed to consider the bail application of the petitioner's wife on the facts of the case and also the copy of the Adhar Card and dispose the same within a period of 10 days from the date of receipt of a copy of this order without awaiting the Probation Officer's report.



6. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate No.I,
Tiruppur.
2. -do through- The Chief Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police
Tiruppur South Police Station
Tiruppur District.
4. The Chief Probation Superintendent
The Office of Chief Probation Office
Collectorate Office Building
Tiruppur, Tiruppur District.
5. The Superintendent
Govt. Home for Women
No.10, Irukool Road
Opp.Primary School
Ondipudur
Coimbatore 641 016.
6. The Public Prosecutor
High Court, Madras.

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NSK 02/12/2021