



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

Date : 08/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1805 of 2021

Payal Biswas

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Session Court Police Station,
Trichy District.
Crime No.87/2021

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No.87 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 27.01.2021 for the offences punishable under Sections 3 (2)(a), 4(1), 4(2)(c) and 6(1)(b) of Immoral Traffic (Prevention) Act, 1956 in Crime No.87 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving secret information, the respondent police went to the place of occurrence and found that the petitioner and her husband doing brothel business by running a SPA centre viz., Max Ayurvedic SPA. Hence, the present complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that the petitioner was arrested on 27.01.2021 and she is still in custody. Hence, he



4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the present petitioner is the wife of A1 and both were running the said SPA. Hence, he opposed to grant bail to the petitioner.

5.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

vi) If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1.THE JUDICIAL MAGISTRATE No. II, TRICHY.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
SESSION COURT POLICE STATION,
TRICHY DISTRICT.

4.THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
TRICHY (GANDHI MARKET) .

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.1805 of 2021

Date :08/02/2021

VSG

TK/VR/SAR.4/08.02.2021/3P/6C