



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.1825 of 2021

Subramaniyan

... Petitioner/Accused No.4

Vs

State Rep. by
The Inspector of Police,
Sessions Court Police Station,
Trichy City.
Crime No.88 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

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

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

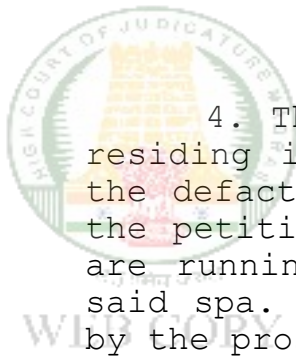
PRAYER :- For Bail Crime No.88 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as A4. He 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.88 of 2021 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the defacto complainant is an agriculturist. He travelled to Trichy. When he arrived Aristo roundana, he came to know that there is a spa centre in Raja Colony and brothel is also going in the same place. Hence, the defacto complainant went there. When, he went there, he saw three girls in seductively dressed. Thereafter, he escaped from the place. Keeping in mind, it would spread viral diseases, he informed the same to the respondent police. The respondent police came to the spot and arrested A1 to A4. Hence, the complaint.



4. The contention of the petitioner is that the petitioner is residing in Cantonment area. When the respondent police enquired the defacto complainant, the defacto complainant falsely implicated the petitioner. The petitioner was a passerby. The other accused are running the spa, the petitioner is no way connected with the said spa. The petitioner has not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submits that A1 to A4 are running a spa in the name and style of "Rose Petal Spa" and A5 is the owner of the property. This petitioner was previously working in a spa at Chennai. Hence, he prays for dismissal of this petition.

6. Considering the aforesaid submissions and period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

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 stay 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

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/ /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 concerned.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THIRUCHIRAPPALLI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY CITY.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1825 of 2021
Date :08/02/2021

ias
JM/VR/SAR IV/08.02.2021/3P/6C