



WEB COPY

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

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11113 of 2021

Gopinath

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Srirangam Police Station,
Trichy.
(Crime No. 655 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.AZHAGESON,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 655 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 28.07.2021, for the offence punishable under Sections 3(2)(a), 4(1), 4(2)(c), 6(1)(b) of Immoral Traffic (Prevention) Act, 1956, in Crime No.655 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.07.2021, at about 8.00 a.m., when the defacto complainant was standing near one Bharath Apartment for his personal work, a lady, aged about 30 year old, called him with wrong intention. It is alleged that the petitioner is running a brothel in his house and collecting money from the customers to do prostitution. Hence, the case.



3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. But, he is languishing inside the prison from 28.07.2021. The learned counsel for the petitioner has also filed an undertaking affidavit of the petitioner, attested by the Jailor, Central Prison, Trichy, wherein, the petitioner undertook that he will not indulge in any offence in future.

4. The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, period of incarceration, the undertaking affidavit filed by the petitioner that he will not indulge in such offence in future, this Court is inclined to grant bail to the petitioner.

6. 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, Srirangam, Trichy District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent Police daily twice, at 10.30 a.m. and 5.30 p.m. until further orders.**

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/08/2021

/ 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 concerned.

TO

- 1.THE JUDICIAL MAGISTRATE
SRIRANGAM, TRICHY DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY DISTRICT
- 4.THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11113 of 2021

Date :18/08/2021

SA/VR/SAR.3/19.08.2021/3P/6C