



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12000 of 2021

1. Lakshmi @ Jayalakshmi
2. Geetha

... Petitioners/Accused 1 and 2

Vs

The State rep.by,
The Inspector of Police,
Ariyamangalam AVS Police Station,
Trichy District.
Crime No.411 of 2021.

... Respondent/Complainant

For Petitioner : MR.T.LENIN KUMAR, Advocate.
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.411 of 2021 on the file of the Respondent Police.

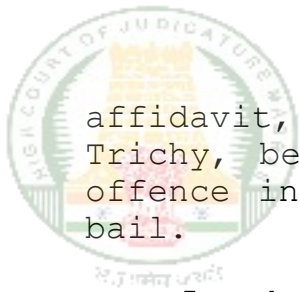
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 06.08.2021 for the offences punishable under Sections 3(2)(a), 4(1), 4(2)(c), and 6(1)(b) of the Immoral Traffic (Prevention) Act, 1956, in Crime No.411 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.08.2021, at about 10.30 a.m., when the defacto complainant was walking along Bharathiyar Street, near Ammakulam, Ariyamangalam, the first petitioner/A1 approached him and showed a woman photo saying that if he pays Rs.2000/-, he can have the woman with him and have physical relationship. On knowing the bad intention of the petitioners, the defacto complainant left that place.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. But, they are languishing in jail from 06.08.2021.

4. The learned counsel for the petitioners further submits
<https://hdsrvtcs.ecmstg.gov.in/hdsrvtcs/> petitioners have also filed a separate undertaking



affidavit, attested by the Deputy Jailor, Special Prison for Women, Trichy, before this Court that they will not indulge in any such offence in future. Hence, the learned counsel seeks for grant of bail.

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

6. Considering the facts and circumstances of the case, the period of incarceration and also the fact that both the petitioners have also filed a separate undertaking affidavit, attested by the Deputy Jailor, Special Prison for Woman, Trichy, before this Court that they will not indulge in any such offence in future, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the Criminal Original Petition is ordered. The petitioners are ordered to be released on bail on their 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 and on further condition 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 petitioners shall report before the respondent police daily twice, i.e. at 10.30 a.m. and 5.30 p.m. for a period of sixty days and thereafter, as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

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

sd/-

27/08/2021

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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.

TO

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
- 5 THE INSPECTOR OF POLICE,
ARIYAMANGALAM AVS POLICE STATION, TRICHY DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12000 of 2021
Date :27/08/2021

MSA/OGY
MK/VR/SAR.IV/27.08.2021/3P/7C