



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 02/11/2021

Delivered on : 30/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.12155 and 13320 of 2021

CRL OP(MD) . No.12155 of 2021

Arunachalam ... Petitioner/1st Accused
Vs

State rep by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Cr.No.826 of 2021. ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.826 of 2021 on the file of
the Respondent police.

CRL OP(MD) . No.13320 of 2021

B.Nasar @ Nasar Raja ... Petitioner/Accused No.1
Vs

State rep by
The Inspector of Police,
Palani Town Police Station,
Dindigul District
Crime No. 770 of 2021). ... Respondent/Complainant

For Petitioner : Mr.C.Gangai Amaran,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor



PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 770 of 2021 on the file of the respondent Police.

COMMON ORDER

These petitioners are apprehending arrest at the hands of the respondent police for the offences under Sections 3(1), 4(2)(c), 5 (1)(a), 5(1)(d) and 7 (1)(b) of the Immoral Traffic (Prevention) Act, 1956, in Crime Nos.826 and 770 of 2021 respectively, moved these applications, seeking anticipatory bail.

2. Both theses cases are registered by the Inspector of Police, Palani Town Police Station, Dindigul District and the offences are also similar in nature. These petitioners have indulged in immoral Traffic offence by employing some women in the *Madam* which is meant for the pilgrims in Palani Town.

3. The allegation in Crime No.826 of 2021 is that the petitioner who is claiming to be a lessee of Moopanar Mutt, Palani, has employed three women, viz., Parvathi, Rooby and Malliga and was doing prostitution at Moopanar Mutt. In Crime No.770 of 2021, a similar such offence was taken place at Gounder Mutt, near old Post office street, Palani Town. The case in Crime No.826 of 2021 was registered on 09.08.2021 and the case in Crime No.770 of 2021 was registered on 18.07.2021. The respondent police, on secret information, conducted search in these Mutts and arrested the women indulged in prostitution in those Mutts and has also registered the case as against the lessees, who are in-charge of those Mutts.

4. Allegations in these petitions are that Mutt, which is meant for the pilgrims in Palani Town is misused for the purpose of prostitution. Since the allegations and offences are also similar in nature, this Court took up the matters and disposed of these applications by way of this common order.

5. Mr.T.Lenin Kumar, learned counsel for the petitioner in CrI.O.P.(MD)No.12155 of 2021, submits that the respondent has falsely foisted the case as against this petitioner under the impression that he is the lessee of Moopanar Mutt and he claims that he is not the lessee of the Mutt, one Chandrasekaran, who is the brother of one Kathirvelu, is the lessee of that Mutt. According to him, the petitioner and Kathirvelu contested in the recent Local Body Election and the petitioner has been elected as the President and with that motive, in order to defame him and to spoil his reputation among the local body, with the connivance of his brother Chandrasekaran, he foisted this false complaint as against this petitioner.



6. Mr.C.Gangaiamaran, learned counsel for the petitioner in CrI.O.P.(MD)No.13320 of 2021 fairly submits that the petitioner, viz., Nasar @ Nasar Raja is the lessee of Gounder Mutt. However, he disputed the allegation levelled against him by the respondent police.

7. Considering the rival submissions made, this Court directed the respondent to place the files before this Court. A perusal of the statements recorded by the investigation agency reveals that there was an inspection by the investigation agency on 09.08.2021 and on 18.07.2021 at Moopanar Mutt and Gounder Mutt respectively and the persons, who are indulged in prostitution, were also arrested by the respondent police and the statements recorded from the victim and the Administrators of the Mutt and the statements available in the C.D. file would reveal that these Mutts are used for prostitution.

8. Mr.Sathyaraj, Deputy Superintendent of Police, Palani, who was present in the Court, has furnished a detail that there are 81 Lodges, 27 Mutts and 24 Community Halls in Palani Town and Palani, which is being considered as one of the Six Houses of Lord Muruga. Devotees from all over India and from abroad are visiting Palani Dhandayuthapani Swamy Temple. Several people are also visiting the temple from their native places by walk during Thaipoosam, including old age persons, women, children. The temple is having such a tradition and that the entire Palani town is a sacred place for a particular religion. Some devotees with an object to provide shelter to those who come by walk or come from far away places to take rest, established these Mutts. Over the period, in the absence of the real owners or their ancestors, the miscreants and also some rowdy elements have occupied these Mutts and used these Mutts for prostitutions to earn easy money. According to him, three such cases have been registered in a similar manner.

9. Mr.Sathyaraj, Deputy Superintendent of Police, Palani, further submits that since several lakhs of people are visiting and several Lodges, Mutts are available. With a limited force, they find it very difficult to curb this offence in the Town. However, they are taking effective steps. He also submits that he along with the Additional Superintendent of Police are taking some initiatives to create a separate Webpage to monitor the Lodges and Mutts and to collect the datas about their inmates. He further submits that necessary guidelines have been issued to all the Administrators of the Lodges to maintain C.C.T.V. Cameras and Registers. He also submits that he has identified the Transgenders residing in and around Palani and has apprised them about the Transgender Welfare Board and also provided them materials and Online Coaching for those educated to participate in the Competitive Examinations.

10. The respective learned counsel for the petitioners has filed affidavits before this Court disputing their involvement. The



petitioners have also filed affidavits before this Court, disputing their involvement in the offence along with their undertaking that they would not indulge in any such activity in the near future.

11. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

12. At the outset, this Court places its appreciation to Mr. Sathyaraj, Deputy Superintendent of Police, Palani, for not only for taking initiative to register the cases, but also for having taken initiatives to curb such activities in Palani Town. On knowing that three such incidents are reported, he immediately issued instructions to all the Mutts and Lodges in Palani, to install C.C.T.V cameras and maintain proper Registers of their inmates. Apart from that, he has also taken initiatives to create a Webpage with the support of the Additional Superintendent of Police, to monitor the inmates in those Mutts and Lodges.

13. Palani by name itself is a sacred place which draws thousands of devotees. Palani Dhandayuthapani Swamy Temple is considered to be one of the Houses of Lord Muruga. The Temple is under the Administration of the H.R. & C.E. Department. Some devotees with the object to provide shelter and food to the devotees, who are visiting Palani, have established Mutts in and around Palani. After the period of those who have established, such Mutts, some of the Mutts appear to be misused by the visitors or by the miscreants. Allowing such incidents to take place in a place like Palani, would amount to insulting the deity as well as the devotees, who are visiting Palani. It is not only the responsibility of the H.R. & C.E. Department, but also the responsibility of the Government to ensure the sanctity of Palani as a sacred place. The Joint Commissioner, H.R. & C.E. Department, along with the Revenue Divisional Officer shall ascertain from the Mutts available and verify with regard to the administration of those Mutts in and around Palani and if any Mutts are found to be in possession of any miscreants or illegal occupants, necessary action has to be taken as against those Mutts and it has to be maintained by the H.R. & C.E. Department.

14. It is reported by the learned Additional Public Prosecutor that seven Lodges and three Mutts were sealed by the respondent and by the Revenue Officials. The H.R. & C.E. Department shall take possession of those sealed Mutts and maintain the same and shall ensure that the Mutts are used for the purpose, for which it was established. The District Collector, Dindigul District, shall constitute a Committee with the Revenue officials, police officials and the officials from the H.R. & C.E. Department to ensure that no such incidents are taken place in Palani Town.

15. The Registry is directed to mark a copy of this order to the District Collector, Dindigul District, the Superintendent of Police, Dindigul District and Joint Commissioner, H.R. & C.E.



Department, Palani Dhandayuthapani Swamy Temple and to the Commissioner, H.R. & C.E. Department, Chennai.

16. This Court also places its appreciation to Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who was ready with all the data at the time of hearing. The learned Additional Public Prosecutor is also directed to communicate this order to Mr.Sathyaraj, Deputy Superintendent of Police, Palani and to other stakeholders to ensure that the above suggestions made by this Court are carried out by the concerned authorities.

17. Considering the affidavit filed by the petitioners denying their involvement and also their undertaking that they would not indulge in any such activity in future, this Court is inclined to grant anticipatory bail to the petitioners, however, with certain conditions.

18. Accordingly, these criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

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

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

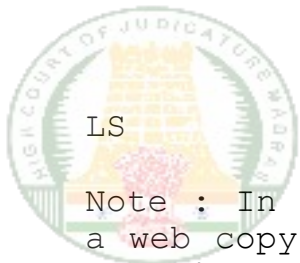
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

Sd/-
30/11/2021

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/ /2021



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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, PALANI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

1. THE SUPERINTENDENT OF POLICE, DINDIGUL DISTRICT.
2. MR. SATHYARAJ,
THE DEPUTY SUPERINTENDENT OF POLICE
PALANI.
3. THE DISTRICT COLLECTOR,
DINDIGUL DISTRICT.
4. THE REVENUE DIVISIONAL OFFICER,
PALANI.
5. THE COMMISSIONER, H.R. & C.E. DEPARTMENT, CHENNAI.
6. THE JOINT COMMISSIONER, H.R. & C.E. DEPARTMENT,
ARULMIGHY PALANI DHANDAYUTHAPANI SWAMY TEMPLE,
PALANI.

+1cc to Mr.C.Gangai Amaran, Advocate, Sr.No.8662

COMMON ORDER

IN

CRL OP (MD) Nos.12155 and 13320 of 2021

Date :30/11/2021