



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15462 of 2021

M.Kanmani Murugan ... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Sessions Court (AVS) Police Station, Trichy City.
(Crime No.420 of 2021) ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.420 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 27.09.2021 for the offence under Sections 3(2)(a), 4(1), 4(2)(c) and 6(1)(b) of Immoral Traffic (Prevention) Act, 1956, in Crime No.420 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused married the defacto complainant after separation from her first husband and thereafter, he compelled her to indulge in prostitution in the massage centre where the petitioner is the Manager. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant lodged a complaint due to misunderstanding between her and her husband. Now, they settled the issue and they are living happily under the same roof. He is inside the prison from 27.09.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that apart from this case, the petitioner has involved in two other cases and the investigation in this case is yet to be completed.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner has realised his mistake and he has filed an undertaking affidavit before this Court that he will not indulge in any offence in future and also undertook to furnish the sureties of respectable persons in his locality.

6.Considering the facts and circumstances of the case, the nature of offence, the undertaking affidavit filed by the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/-(Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall ensure the availability of the petitioner for the entire trial.;

[b]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;

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before respondent police daily at 10.30 a.m until further orders;

[e] the petitioner shall not abscond during the trial;

[f] the petitioner shall not tamper with the evidence or witness during trial;

[g] 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



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

sd/-
25/10/2021

/ TRUE COPY /

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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

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

ORDER
IN
CRL OP(MD) No.15462 of 2021
Date :25/10/2021

PNM/MSA
MK/JM/SAR.IV/25.10.2021/3P/6C