



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4400 of 2022

Kamatchi @ Usha

...Petitioner /A-1

versus

The State Represented by
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi (District).
(Crime No.62 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.62 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Palanisamy

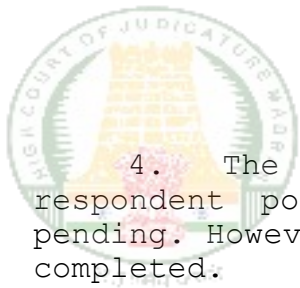
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2022 for the offences punishable under Sections 3(2)(a), 4(1), 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956 in Crime No.62 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police on information went raid to the AKT lodge on 30.01.2022, at about 12.45p.m. and they found that the victims were forced to involve in prostitution by this petitioner and other accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 30.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that, a portion of investigation has been completed.

5. Now, on considering the submissions made by the learned counsel appearing on either side, it would appear that the respondent police registered a case against this petitioner for the offences punishable under Sections 3(2)(a), 4(1), 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956. The other accused in this case are already released on bail.

6. Therefore, taking into consideration of the fact that the petitioner is in judicial custody from 30.01.2022 onwards and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kallakurichi;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of thirty days and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

22/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI (DISTRICT).

4 THE SUPERINTENDENT,
WOMEN PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C. PALANISAMY Advocate on payment of necessary charges

CRL OP.4400/2022

Date :22/02/2022

CSK 23/02/2022