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Crl.O.P.No.31610 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31610 of 2022

Abdulhasan,
S/o.Appash

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Villupuram West Police Station,
Villupuram Dt.
(Crime No.239 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.239 of 2022 pending on the file of respondent police.

For Petitioner : Mr.S.Sarath Chandran
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 22.11.2022 for the alleged offence under Section 342, 370(2), 370A (2) of I.P.C. and Section 3 (1), 3(2)(a), 3(2)(b), 4(1) and 6(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.239 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on secret information about prostitute running in one Varimani house, the respondent police on 29.01.2022 surveillance near the said house and at that time, on seeing the police, the petitioner attempted to escape from the scene of occurrence. On suspicion, it came to know that petitioner and one Padmavathi in a rented house brainwashed the victims and running the prostitution. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the petitioner is an electrician and he went for electrical work. He would submit that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has



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been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 29 days from 22.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are two accused and he is arrayed as A1. He would submit that the petitioner has acted as a broker in immoral trafficking and no previous case pending against him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that no previous case against the petitioner and the investigation almost completed and considering the nature of offence committed by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant



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bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Addl. Mahila Court, Villupuram**, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;



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(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 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];

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

22.12.2022

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To

1. The Addl. Mahila Court, Villupuram.
2. Inspector of Police,
Villupuram West Police Station, Villupuram Dt.
3. The Superintendent of Prison,
Sub-Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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