



Crl.O.P.No.1742 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

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

Crl.O.P.No.1742 of 2023

Jayaraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velankanni Police Station,
Velankanni
Nagapattinam District
(Crime No.448/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.448
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R. Muruga Bharathi

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2022 for the alleged offences punishable under Sections 3(2) (a), 3(2) (b), 4(1), 5(1) (a) of Immoral Traffic Prevention Act in Crime No.448 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner compelled the defacto complainant and left her in a Lodge and she was used for prostitution, due to which the victim was affected physically and mentally. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is in custody from 22.12.2022, hence, he prayed to grant bail to the petitioner. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to any charitable institution. Hence he prays to grant bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that, the petitioner compelled the defacto complainant and left her in a Lodge and she was used for prostitution, due to which the victim was affected physically and mentally. Therefore, he vehemently opposed to grant bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner and the petitioner is ready to deposit some amount to any charitable institution , this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of Registered**



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Advocate Clerk Association, Nagapattinam and on such deposit and production of proof, the petitioner is ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties (out of which one should be blood related surety), each for a like sum to the satisfaction of the **learned Munsif-cum-Judicial Magistrate,Kilvelur, Nagapattinam District**, and on further conditions 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 petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates;

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

(d)the petitioner 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



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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]***; and;

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

27.01.2023

smn

To

- 1.The **Munsif-cum-Judicial Magistrate, Kilvelur, Nagapattinam District**
- 2.The Inspector of Police,
Velankanni Police Station,
Velankanni
Nagapattinam District
3. The District Jail, Nagapattinam
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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