



Crl.O.P.No.4849 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.4849 of 2023

Amir Babu Halam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Anti Vice Squad - 2,
Chintadripet,
Chennai - 600 002.

(Crime No.2 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.2 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.J.Manikandan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.01.2023, for the offences punishable under Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1) of Immoral Traffic (Prevention) Act, 1956 @ Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1), 6(2-A) r/w 6(1) of I.T.P.Act, and 5(1), 5(p) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.2 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.01.2023, the respondent Police has conducted a raid at Hotel India Gate at Thoraipakkam, wherein, at Room No.117 of the said hotel, they found that the accused had made the victim girls to indulge in prostitution. The respondent had rescued 10 victims including one minor victim girl, aged about 16 years and registered the case in Crime No.2 of 2023. The case was originally registered for the offence under Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1) of Immoral Traffic (Prevention) Act, 1956 and later finding that one of the victim girls is minor, the case has been altered to one under Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1), 6(2-A) r/w 6(1) of I.T.P.Act, and 5(1), 5(p) r/w 6 of Protection of Children from Sexual Offences Act, 2012. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is a native of the State of Tripura and he has been falsely implicated in this case. He further submitted that the petitioner was appointed as a front office Manager in the lodge run by A1 and also submitted that other than taking care of the administration works, the petitioner has not involved in any illegal activities, which were conducted by the owner of the premises. He also submitted that there is no previous case against the petitioner and even in respect of this case, the victim girl has not made any allegation as against the petitioner. He further submitted that the petitioner is in custody from 22.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner (A5) is the Manager of the Hotel India Gate at Thoraipakkam, wherein, the respondent has conducted a raid on 21.01.2023 and during such time, on finding that the petitioner along with others have made the victim girls to indulge in prostitution, have



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rescued the 10 victim girls. He further submitted that originally, the case was registered for the offence under Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1) of Immoral Traffic (Prevention) Act, 1956 and later on finding that one of the victim girls is minor, the case has been altered to one under Sections 3(2)a, 4(1), 5(1)a, 6(1), 7(1), 6(2-A) r/w 6(1) of I.T.P.Act, and 5(1), 5(p) r/w 6 of Protection of Children from Sexual Offences Act, 2012. He also submitted that now the case has been transferred to the file of the All Women Police Station, 21 Guindy Police Station. He further submitted that the statement has been recorded from the victim girl under Section 164 Cr.P.C. He further submitted that investigation is pending and no previous case is pending as against the petitioner. He also submitted that since the petitioner is a native of Tripura, there is every possibility of him to abscond and it would be difficult to secure him, therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the statement recorded under 164 Cr.P.C from the minor victim girl.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the statement recorded under 164 Cr.P.C from the minor victim girl, this Court is of the view that other than being the Manager of the said lodge, there is no specific allegation was made against the petitioner, as if he has instigated the victims in prostitution. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of Cases under POCSO Act, Chengalpattu**, and on further conditions that:

[a] the petitioner should produce the proof of his permanent residence and the learned trial Judge shall satisfy himself with regard to the same;

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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, everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.03.2023

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Chengalpattu.
2. The Inspector of Police,
Anti Vice Squad - 2,
Chintadripet,
Chennai - 600 002.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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