



Crl.O.P.No.6683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2023

CORAM:

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

Crl.O.P.No.6683 of 2023

Nageshwari

.. Petitioner

/versus/

State rep.by
The Inspector of Police,
Velankani Police Station,
Nagapattinam District.
(Crime No.109 of 2023)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to enlarge the petitioner on bail in Crime No.109 of 2023 pending on the file of the respondent.

For petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.03.2023, for the offences punishable under Sections 3(2)(a), 3(2)(b), 4(1), 5(1)(a) of Immoral Traffic Prevention Act r/w. Section 370 of IPC in Crime No.109 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with A1 and A2 had conducted prostitution in a lodge. 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 submit that the petitioner is working as a house keeping assistant in the lodge and other than that she does not know anything. He also submitted that the petitioner is in custody from 08.03.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is working as a house keeping assistant in the lodge.



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She along with the manager, and owner of the lodge had involved in conducting prostitution by using several victims. Hence, he opposed for grant of 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 including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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 her executing 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 District Munsif cum Judicial Magistrate, Kilvelur**, and on further conditions that:



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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders;

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

[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 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];***



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[f] If the accused thereafter abscond, a fresh FIR can be

registered under Section 229A IPC.

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Speaking Order / Non-Speaking Order

Index : yes/no

Internet : yes/no

mpa

To

1. District Munsif cum Judicial Magistrate, Kilvelur.

1.The Inspector of Police,
Velankani Police Station,
Nagapattinam District.

3.The District Women Prison, Nagapattinam.

4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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