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Crl.O.P.No.7487 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

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

Crl.O.P.No.7487 of 2023

Packirisamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

Crime No.140 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.140 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 21.03.2023 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.140 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.03.2023, on receipt of a secret information, the respondent Police has conducted a raid at complex belongs to the first accused, wherein, they found that the accused had made the victim girls to indulge in prostitution. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 54 years and he has been falsely implicated in this case. He further submitted that the petitioner himself admits that he is the owner of the lodge, whereas, he has leased out the lodge to one Ravi @ Kowsbadsha/A2 and without his knowledge, A2 has misused the premises for running brothel. He further submitted that the petitioner is in judicial custody from 21.03.2023 and he is ready to abide by any stringent



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condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is the owner of the lodge, along with another accused, has used his lodge for brothel. He also submitted that no previous case is pending against the petitioner, however, 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Keezhvelur** 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, everyday at 10.30 a.m., for a period of two weeks and thereafter, on 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.

05.04.2023

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To

1. The Judicial Magistrate,
Keezhvelur.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
3. The Sub Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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