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Crl.O.P.No.9355 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9355 of 2023

1.Jupin Baby
2.Mariya

... Petitioners

Vs.

State represented by
The Inspector of Police
Kottakupam Police Station
Villupuram.
(Crime No.71 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.71 of 2023 on the file of
the respondent.

For Petitioners : Mr.R.Prabbhakaran

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



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 06.04.2023, for the offences punishable under Sections 344, 294(b), 355, 370(3), 374 IPC and Sections 107, 108 of Mental Health Act, 2017 and Sections 89, 92 of the Right of Person with Disability Act, 2016 and Section 4 of the TNWH Act, 1988, in Crime No.71 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.02.2023, when the District Handicapped Welfare Officer, Villupuram, conducted inspection at Anbu Jothi Ashram, Kottakuppam, Villupuram, it was found that the petitioners were running the said Ashram in violation of Rules without obtaining proper license from the appropriate authority. The victims in the ashram were found to be tonsured and they were ill treated and harassed by the administrators and employees in the ashram. Further, the victims had been detained against their willingness without any communication to their family members and they were forced to work hard without payment and that they were not given proper medical treatment and food. Hence, the case.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been registered against them. The petitioners have been running the said Ashram for more than 2 decades with noble intention of accommodating the poor and mentally retarded people who were abandoned by their relatives on the streets, by providing food, shelter, medical care and due to motive the false case has been registered. He would further submit that similar cases were also registered against them in Crime Nos.31 and 32 of 2023 by the Kedar Police Station which were later transferred to CBCID and taken up in Crime Nos.2 and 3 of 2023 in which, the petitioners were granted bail by this Court in Crl.O.P.Nos.6518 and 6519 of 2023 by order dated 13.04.2023. Subsequently, the petitioners were formally arrested in this case and hence, the petitioners are unable to come out on bail despite they were granted bail in the connected cases and they are still languishing in jail. He would further submit that the allegations are similar and the major part of investigation is over. Hence, he prayed for grant of bail to the petitioners.

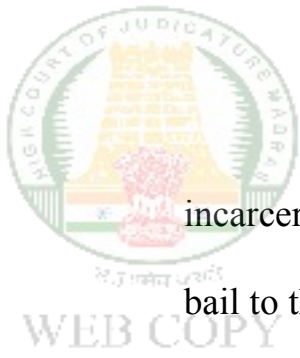
4. The learned Government Advocate (Criminal Side) for the respondent would submit that the allegations against the petitioners are similar nature to cases in Crime Nos.31 and 32 of 2023 which were



registered by the Kedar Police station and later transferred to CBCID and taken up in Crime Nos.2 and 3 of 2023. In this case, the allegations against the petitioners is that during the inspection made by the defacto complainant, it was found that the petitioners were running the Ashram namely Anbu Jothi Ashram without obtaining proper license and the victims were found to be ill treated and harassed continuously by abusing in filthy language by the ashram administrators and employees. Further, the victims were found to be tonsured against their willingness and they were also forced to work hard without payment and that they were not given proper medical treatment and food. He would further submit that the petitioners were formally arrested in this case when they were in judicial custody in the connected cases and the investigation is pending. However, he would submit that the petitioners have been granted bail by this Court in the connected cases.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of



incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of **the Court of Sessions Judge, Magalir Neethi Mandram (Fast Track 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall stay at Chennai and report before the Inspector of Police, CBCID Headquarters, Metro Wing, Guindy, Chennai, everyday at 10.30 a.m. for a period of 4 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;



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[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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Court of Sessions Judge, Magalir Neethi Mandram
(Fast Track Mahila Court), Villupuram.
2. The Inspector of Police,
Kottakupam Police Station
Villupuram.
3. The Jailer, District Jail, Cuddalore.
4. The Jailer, Sub Jail for women, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

Copy to;

The Inspector of Police,
CBCID Headquarters,
Metro Wing,
Guindy, Chennai,



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A.D.JAGADISH CHANDIRA,J.,

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