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CrI.O.P.No.13618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

CrI.O.P.No.13618 of 2023

Kala

... Petitioner

Vs.

The Inspector of Police,
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi District.

(Crime No.318 of 2023).

... 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.318
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Santhosh Kumar

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 20.05.2023 for the offences punishable under Sections 3(1), 4(1), 5(1)(a) and 6(1)(a) of the Immoral Traffic (Prevention) Act in Crime No.318 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.05.2023, on receipt of a secret information, the respondent Police has conducted a search, wherein, they found that the accused had made the victims to indulge in prostitution. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent and she has been falsely implicated in this case. He further submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.12769 of 2023 dated 12.06.2023 and that the petitioner is in custody from 20.05.2023. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police would oppose for grant of bail to the petitioner stating that the petitioner along with other accused had made the victims to indulge in prostitution.

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 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 Judicial Magistrate, Thirukoilur, Kallakurichi District**, 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, as and when required for interrogation;

[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]*;

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

20.06.2023

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To

1. The Judicial Magistrate
Thirukoilur, Kallakurichi District
2. The Inspector of Police,
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi District.
3. The Central Prison,
Vellore District
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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