



Crl.O.P.No.16467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16467 of 2023

1.Azhagu
2.Muthu
3.Saminathan

...Petitioners

Vs.

State,Rep. By through
The Inspector of Police,
Anamalai Police Station,
Crime No.297/2023
Coimbatore District

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in connection with Crime No.297/2023 on the file of the respondent, Anamalai Police Station, Coimbatore District.

For petitioners : Mr.P.Kalimuthu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



WEB COPY



Crl.O.P.No.16467 of 2023

ORDER

The petitioners/A1, A2 & A3, who were arrested and remanded to judicial custody on 27.06.2023 for the offences punishable under Sections 3(2)(a), 4(1), 5(1)(a), 6(1)(b) of Immoral Traffic (Prevention) Act, 1956 in Crime No.297 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in Crime No.297 of 2023 for the offences under 3(2)(a), 4(1), 5(1)(a), 6(1)(b) of Immoral Traffic (Prevention) Act, 1956. He further submitted that, petitioners are innocent and they are falsely implicated in this case. Petitioners are in judicial custody from 27.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, 1st petitioner/A1 is the owner of the lodge Viz., Meenakshi Lodge. 2nd petitioner/A2 & 3rd petitioner/A3 are the persons, who bring men for prostitution with the victim kept in the lodge. On



Crl.O.P.No.16467 of 2023

27.06.2023, at about 3.30 p.m., *de-facto* complainant along with police party conducted a search in the lodge and found victim Geetha and one man indulging in prostitution. The man escaped from there. A1 is having a similar previous case in Crime No.400 of 2015 pending against him. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the offence and the fact that A1 is having similar previous case in Crime No.400 of 2015, this Court is not inclined to grant bail to 1st petitioner. However, since A2 & A3 are not having any previous case pending against them, this Court is inclined to grant bail to 2nd and 3rd petitioners.

5. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed. As far as the 2nd and 3rd petitioners are concerned, considering the fact that, the petitioners are under judicial custody from 27.06.2023, this Court is inclined to grant bail to the petitioners and the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court No.1, Pollachi**, and on further conditions



Crl.O.P.No.16467 of 2023

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 report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

24.07.2023

mpl



Crl.O.P.No.16467 of 2023

WEB COPY

To

- 1.The Judicial Magistrate Court No.1, Pollachi.
- 2.The Central Jail, Coimbatore.
- 3.The Inspector of Police,
Anamalai Police Station,
Coimbatore District
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.16467 of 2023

G.CHANDRASEKHARAN, J.

mpl

Crl.O.P.No.16467 of 2023

24.07.2023