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CrI.O.P.No.16579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

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

CrI.O.P.No.16579 of 2023

Kalaivasagan

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.277 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioner on bail in Crime No.277 of 2023 on the file of respondent the Inspector of Police, Velankanni Police Station, Nagapattinam District.

For Petitioner : Mr.R.Naresh Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2023 for the offences punishable under Sections 3(2)(a), 3(2)(b), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 and 370 of IPC in Crime No.277 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, the allegations made against the petitioner in FIR is that he was a room service boy and was involved in this case, for helping prostitution. Petitioner is in judicial custody from 30.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, petitioner also played a role in soliciting customers in prostitution. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that the petitioner was only a room service boy and the petitioner is under judicial custody from 30.06.2023, and the material part of the investigation is over, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on



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bail on his executing a 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 **District Munsif cum Judicial Magistrate, Kilvelur**, 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 daily 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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G.CHANDRASEKHARAN, J.
mpl

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

26.07.2023

mpl

To

- 1.The District Munsif cum Judicial Magistrate,
Kilvelur.
- 2.District Prison,
Nagapattinam.
- 3.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
- 4.The Public Prosecutor,
High Court of Madras.

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