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Crl.O.P.No.18127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

Crl.O.P.No.18127 of 2023

1.Venkatachalam
2.Madhubala

...Petitioners

Vs.

State by the Inspector of Police
HUDCO Police Station
Hosur
Krishnagiri District.
Crime No.247/2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in relating to the case registered as Crime No.247 of 2023 on the file of the Respondent.

For petitioners : Mr.C.Munusamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2023 for the offences punishable under Sections 3(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956 in Crime No.247



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of 2023 on the file of the respondent police, seek bail.

2. It is the submission of the learned counsel for the petitioners that the petitioners are falsely implicated in this case in Crime No.247 of 2023 registered for the offence under Sections 3(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956. The petitioners are in custody from 16.07.2023. They have small children to take care. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor opposed this bail on the ground that, petitioners are husband and wife and they ran a brothel, in their own home. Two victims were secured from the house of the petitioners and they were sent to the home.

4. Considered the rival submissions and perused the records of the case.

5. It is informed that the petitioners are in judicial custody from 16.07.2023 and that material part of the investigation might have been over by this time, therefore 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



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thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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 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].



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G.CHANDRASEKHARAN, J.
mpl

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

10.08.2023

mpl

To

- 1.The Judicial Magistrate No.II, Hosur.
- 2.The Sub-Jail, Hosur.
- 3.Central Prison, Salem.
- 4.The Inspector of Police
HUDCO Police Station
Hosur
Krishnagiri District.
- 5.The Public Prosecutor,
High Court of Madras.

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