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Crl.O.P.No.18360 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

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

Crl.O.P.No. 18360 of 2023

Umapathy

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Velankanni Police Station,
Velankanni,
Nagapattinum District.
Crime No.310 of 2023
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.310 of 2023 on the file of the respondent police.

For Petitioner : Mr.R. Muruga Bharathi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2023 for the offences punishable under Sections 3 (2) (a), 3 (2) (b), 4 (1), 5 (1) (a) of Immoral Traffic Prevention Act r/w section 370 of I.P.C in Crime No. 310 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in this case. Petitioner is in judicial custody from 29.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, on 29.07.2023 at about 12 noon, defacto complainant along with police party made a surprise inspection at Jaiddon Lodge, Velankanni and found that, two victims namely Krishnaveni and Chandrakala were used for prostitution. Petitioner is the manager at the Lodge. Hence, he opposed for grant of bail to the petitioner.



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4. Considering the nature of the offence and the fact that petitioner is in judicial custody from 29.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on 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, Nagappattinam** 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

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



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G.CHANDRASEKHARAN. J.

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