



Crl.O.P.No.19563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

Crl.O.P.No.19563 of 2023

Azhagu

...Petitioner

Vs.

The State Represented by,
Inspector of Police,
Anamalai Police Station,
Coimbatore District.
(Crime No.297 / 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.297 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.19563 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2023 for the offences punishable under Section 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 petitioner submitted that, petitioner is 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, petitioner is innocent and he is falsely implicated in this case. He is 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. A2 and A3 are the persons, who bring men for prostitution with the victim kept in the lodge. On 27.06.2023, at about 3.30 p.m., *de-facto* complainant along with police party conducted a search in the lodge and



Crl.O.P.No.19563 of 2023

found victim Geetha and one man indulging in prostitution. The man escaped from there. Petitioner 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.Considered the rival submissions and perused the records.

5.This is the second bail petition. Earlier bail petition filed in Crl.O.P.No.16467 of 2023 was dismissed on 24.07.2023, for the reason that petitioner has one previous case pending against him. The learned counsel for the petitioner prayed for grant of bail taking into consideration of the fact that petitioner is in judicial custody from 27.06.2023.

6.Considering the duration of custody and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.



Crl.O.P.No.19563 of 2023

7. 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 **Judicial Magistrate Court No.1, Pollachi**, 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 morning at 10.00 a.m., and evening at 5.00 p.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



Crl.O.P.No.19563 of 2023

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.

05.09.2023

ep



WEB COPY



Crl.O.P.No.19563 of 2023

G.CHANDRASEKHARAN. J.

ep

To

- 1.The Judicial Magistrate Court – I,
Pollachi.
- 2.Central Jail,
Coimbatore.
- 3.Inspector of Police,
Anamalai Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.19563 of 2023



WEB COPY



CrI.O.P.No.19563 of 2023

05.09.2023