



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.5543 of 2023

WEB COPY

Annakili

... Petitioner / Accused No.12

Vs

The Inspector of Police,
All Women Police Station,
Karur,
Karur Distrit.
(Crime No.45/2022.)

... Respondent / Complainant

For Petitioner : M/s.Santhanam Rajesh Kumar B, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

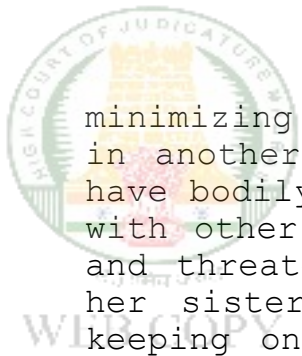
For Bail in Crime No. 45/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A12, who was arrested and remanded to judicial custody on 23.12.2022 for the offence punishable under Sections 342, 376, 506(i) and 34 of IPC and Section 4,6,5(1) and 11 (5) of Protection of Child from Sexual Offence Act, 2012, Section 3(2)(a),4 (1), 5(1)(a) of Immoral Traffic (Prevention) Act 1959 and Section 77 of Juvenile Justice (Care and Protection of Children)Act, 2015 in Crime No.45 of 2022 on the file of the respondent police, seeks bail.

2. The complaint has been lodged by the social worker of an NGO for Children Protection in Karur District. The case of the prosecution is that the victim girl who is aged about 15 years had lost her parents nine years back and thereafter she was under the care and protection of her elder sister. On 14.05.2022, A1 who is a known person from their neighbour hood offered to help the victim girl by providing education along with her daughter. The further allegation is that A1 took the victim girl to her home and made her stay with her daughter and the victim got admission in St. Marys Higher Secondary School, Pasupathipalayam and one day the victim had

<https://www.mca.gov.in/sdri> and fell ill, for which A1 gave juice to the victim for



minimizing her pain but after drinking the juice the victim picked up in another place and realized that A1 had spiked and made her to have bodily relationship with an unknown person. Further A1 along with other persons namely Vinoth, Mayavathi and Megala had abused and threatened the victim by saying that they will do away with her sister's life if she reveals the incident to any one. By keeping on threatening A1 inducted her into prostitution. However the victim managed to escape with the help of her sister had approached the defacto complainant based on which the present case has been registered.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the minor victim was taken to prostitution by the accused persons. The other accused persons were detained under Act. 14 of 1982 and one of the accused was released on bail. In so far as the petitioner herein is concerned she acted as broker and sent the victim to many persons. A perusal of the statement recorded under section 164 Cr.P.C reveals that only the other accused persons inducted the victim into the prostitution and they have sent so many other persons to her. However there is no specific allegation as against this petitioner in the statement of the victim girl. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Karur and on further conditions that:

[b] the petitioner shall pay a sum of Rs. 50,000/- (Rupees Fifty thousand only) to the victim directly and produce the acknowledgement for payment at the time of furnishing sureties. On verification of the same, the concerned Judge is directed to accept the sureties furnished by the petitioner.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[e] the petitioner shall not commit any offences of similar nature.



[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
24/03/2023

/ TRUE COPY /

24/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Additional Sessions Judge,
Fastrack Mahila Court, Karur.

2.The Inspector of Police,
All Women Police Station,
Karur, Karur District.

3.The Superintendent,
Central Prison,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-4835[I] dated 24/03/2023)

ORDER

IN
CRL OP(MD) No.5543 of 2023
Date :24/03/2023