



CRL OP(MD). No.19314 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19314 of 2023

Mohammed Azarudeen

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Woraiyur Police Station,

Trichy.

Crime No.2306/2023.

... Respondent/Complainant

For Petitioner : Mr.Banu Prasath, Advocate
for Mr.N.Ananda Kumar, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2306/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.10.2023 for the offences punishable under Sections 3(2)(a), 4(1) and 4(2) (c) of Immoral Traffic (Prevention) Act 1956 and Section 370 of IPC in Crime No.2306 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.10.2023, at about 10.30 a.m., on a secret information, when the police was on raid at AUT Colony, found the petitioner doing brothel business in the house. Hence, the case.



CRL OP(MD). No.19314 of 2023

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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 09.10.2023, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of brothel and the petitioner is having no previous case and the investigation is pending. However, he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and also the facts that no previous case is pending against the petitioner and the investigation is pending and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) 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 Judicial Magistrate No.III, Tiruchirappalli, and on further conditions that:



CRL OP(MD). No.19314 of 2023

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(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the Judicial Magistrate No.III, Tiruchirappalli on the first working day of every month at 10.30 a.m. until further orders;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/11/2023

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02/11/2023

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



CRL OP(MD). No.19314 of 2023

TO செய்து அளித்தல்

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- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, WORAIYUR POLICE STATION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.19314 of 2023
Date :02/11/2023

RS//SAR-(02.11.2023) 4P 6C

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