



CRL OP(MD). No.22849 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22849 of 2023

1. Praveen Kumar

2. Murali

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Tallakulam Police Station,
Madurai City,
Crime No.1416/2023.

... Respondent/ Complainant

For Petitioner : M/s.Balaji.A,
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.1416/ 2023 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioners/ A1 and A2, who were arrested and remanded to judicial custody on 03.12.2023 for the alleged offences punishable under Sections 3(2)(a), 4(1),5(1)(a) of Immoral Traffic (Prevention) Act, 1956 and 370 A(2) of IPC in Crime No.1416 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons are running spa without any valid license. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 03.12.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused persons are running spa without any valid license, hence he objected to grant bail to the petitioners.

5.Considering the facts and circumstances and also considering the period of

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incarceration 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 petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai and on further conditions that:

(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 petitioners shall appear before the trial Court on receipt of summons;

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

(v) the petitioners shall not abscond during trial.



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(vi) 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].

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

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sd/-
19/12/2023

19/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.II, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



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4.THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY,

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-17986[I] dated 19/12/2023)

ORDER
IN
CRL OP(MD) No.22849 of 2023
Date :19/12/2023

RK/ (19/12/2023) 5P / 7C

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