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CrI.O.P.No.23368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23368 of 2024

Munish

...Petitioner/Accused

Vs.

The State rep by:
Inspector of Police,
Sooramangalam Police Station
Salem City.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.1065 of 2024 on the file of respondent police.

For Petitioner : Ms.V.Dhanalakshmi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2024 for the offences under Sections 3(2)(b), 4(2)(c) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956 and under Section 296(b) and 351(2) of the BNS, 2023, in Crime No.1065 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.08.2024 at about 11.00 a.m., the de facto complainant was standing near a temple; that the petitioner/A2 induced the de facto complainant to indulge in sexual contacts with the women in the house of the co-accused/A1. Hence, the complaint.

3. Learned counsel for the petitioner/A2 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 1.08.2024; that he is a law-abiding citizen; that he is ready to furnish



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substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are two accused in this case; that the petitioner is arrayed as A2; that the petitioner induced the de facto complainant to indulge in sexual contacts with the women in the house of the co-accused/A1. He further submitted that there are seven previous cases pending against the petitioner that are not similar kinds of offences; and that the petitioner was working as an employee under the co-accused/A1. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that this petitioner is only an



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employee of the main accused/A1, that there are no previous cases pending against the petitioner for the similar kind of offences and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 *Additional Mahila Court, Salem* and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person



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acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.09.2024

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To

- 1.The Additional Mahila Court,
Salem.
2. The Central Prison,
Salem.



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3.The Inspector of Police,
Sooramangalam Police Station,
Salem City.

4.The Public Prosecutor,
High Court of Madras.

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