



Crl.O.P.No.23718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23718 of 2024

Amudha

...Petitioner/Accused No.9

Vs.

The Inspector of Police,
Kallkurichi Police Station,
Kallakurichi District.
Crime No.604 of 2024.

...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.604 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Saravana Kumar

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



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ORDER

The petitioner/A9, who was arrested and remanded to judicial custody on 23.08.2024 for the offences under Sections 3(1), 3(2)(a), 3(2)(b), 4(1), 4(2)(c), 5(1)(a), 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956 r/w 318(4) and 351(2) of the BNS, 2023 on 21.08.2024 and subsequently, on the basis of the preliminary enquiry the sections were altered to 3(1), 3(2)(a), 3(2)(b), 4(1), 4(2)(c), 5(1)(a), 5(1)(d) of the Immoral Traffic (Prevention) Act, 1956 r/w 143(a) (d) (f), 144(2), 318(4) and 351(2) of the BNS, 2023, in Crime No.604 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were engaged in brothel and condom was seized from the petitioner's house. Hence, the case.

3. Learned counsel for the petitioner/A9 submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He also submitted that the petitioner has been in custody since



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23.08.2024; that the name of the petitioner was not mentioned in the FIR; and that the co-accused were released on bail. He further submitted that the petitioner is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are nine accused in this case; that the petitioner is arrayed as A9; that that petitioner along with other accused were engaged in brothel and condom was seized from the petitioner's house; and that already the co-accused were released on bail. 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, the fact that the petitioner was not a named accused in the FIR, that the co-accused were released on bail and also taking into



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consideration the period of incarceration undergone by the petitioner, and no previous case is pending against 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 her 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 learned *Judicial Magistrate No.I, Kallakurichi*, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[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 she was accused, or suspected, or of the commission of which she was suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police



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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.

26.09.2024

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To

- 1.The Judicial Magistrate No.I,
Kallakurichi.
- 2.The Superintendent of Prison,
Central Prison,
Cuddalore (Women).
- 3.The Inspector of Police,
Kallkurichi Police Station,
Kallakurichi District.



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P.DHANABAL, J.

dk

4.The Public Prosecutor
High Court of Madras.

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