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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3644 of 2025

1. Babu

2. Chandran

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Tallakulam Police Station,  
Madurai. Crime No. 150/2025.

... Respondent/Complainant

For Petitioners : Mr. R.Ramasamy  
Advocate.

For Respondent : Mr.K. Sanjai Gandhi,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.150 of 2025 on the file of the respondent -police.



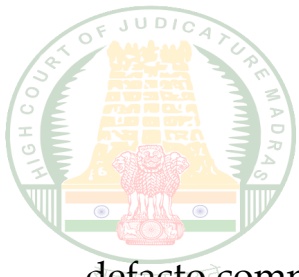
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 24.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners/ Accused Nos.1 and 2 were arrested and remanded to judicial custody on 07.02.2025 for the offences punishable under Sections 3(2)(a), 4(2)(a), 4(2)(c), 5(1)(a), 5(1)(d) of Immoral Traffic (Prevention) Act, 1956, in Crime No.150 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the third accused operated a spa under the name "Sri Thariyam Ayurveda Spa," where the first petitioner(A1) and the second petitioner (A2) were employed as manager and assistant, respectively. Based on the confidential information, the defacto complainant, Inspector of Police, dispatched several individuals posing as customers to the spa. On receiving payment from these individuals, A1 and A2 sent them to the room of sex workers. After confirming this information, on 07.02.2025, the defacto complainant again sent an individual to the spa. As usual, on receiving payment from this individual, the accused persons sent him to a sex worker's room. The individual then sent a WhatsApp message to the



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defacto complainant, who, on receiving it, proceeded to the spa with his team. There, they found four sex workers. On investigation, it was revealed that the petitioners and A3 had subjected these women to sexual exploitation under the guise of massage services. The police arrested the petitioners and rescued the said women. Hence, this case.

4. Mr.R. Ramasamy, learned counsel appearing for the petitioners, submits that after getting due license from the Madurai Corporation, A3 is running the Spa and the petitioners are only Manager and Assistant and they have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side), appearing for the respondent-police, submits that the petitioners subjected some women to sexual work in the name of a spa. He further submits that the investigation of the case is pending and therefore, at this stage, if the bail is granted to the petitioners, they will cause threat to the said women and the witnesses. Hence, he vehemently oppose to grant bail to the petitioners.



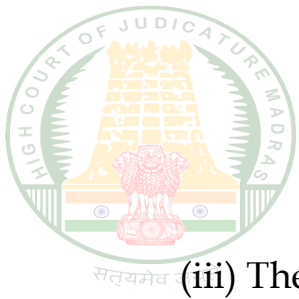
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6. Heard on both sides. This Court has perused the records.

7. The petitioners were arrested and they have been in judicial custody since 07.02.2025. In view of offences alleged against the petitioners, this Court is of view that the further custody of the petitioners is not necessary. On perusing the records, it reveals the fact that the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and considering the facts and circumstances of the case and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall also not, directly or indirectly, cause threat to the defacto complainant, the victim women and the witnesses;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Madurai;

(viii) The petitioners shall appear and sign before the learned Judicial Magistrate No.II, Madurai, on all working days at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Madurai is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-  
26/02/2025

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26/02/2025  
Sub-Assistant Registrar(CS-II)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

trp  
TO

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

+1 CC to M/s.R.RAMASAMY, Advocate ( SR-2129[I] dated 26/02/2025 )

ORDER IN  
CRL OP(MD) No.3644 of 2025  
Date :26/02/2025

ES/SAR /26.02.2025/6P/7C

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