



CRL.OP(MD). No.3734 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3734 of 2025

(*)Chinnasamy @ Chiyamalan
Vs.

... Petitioner / Accused No.3

The State of Tamil Nadu,
rep., by The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.78 of 2025

... Respondent / Complainant

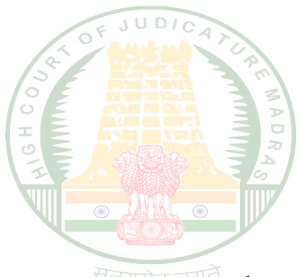
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner/accused No.3 on bail in the event of his arrest in Crime No.78 of 2025 pending investigation on the file of the respondent- Koodankulam Police Station, Tirunelveli District.

For Petitioner : Mr.R.L.Dhilipan Pandian

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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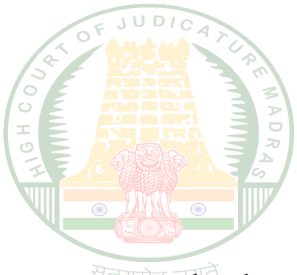
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2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 3(1), 3(2)(b), 4(1), 5(1)(a) and 7(2)(a) of Immoral Traffic (Prevention) Act, 1956, in Crime No.78 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 05.02.2025, upon receiving the information about sexual work, the police officials went to the lodge and found that totally three accused persons including the petitioner are running sexual work business. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He however submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that totally, there are three accused persons in this case, and the petitioner herein has been arrayed as accused No.3, and that A1 and A2 were arrested and released on bail. He further submits that the petitioner has no previous case. He further submits that if pre-



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arrest bail is granted to the petitioner, he will commit similar offence, cause threat to the victim girls and the witnesses. He therefore prays for dismissal of this criminal original petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner has no previous case and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate Court, Radhapuram, Tirunelveli, Tirunelveli District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate Court, Radhapuram, Tirunelveli, Tirunelveli District.

(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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police, daily at 10.00 am., until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

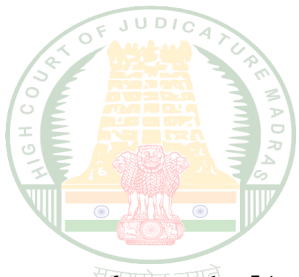
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the victim girls and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner 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



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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/-
06.03.2025

(*)Amended as per the order of this court dated 03/04/2025 in CRL MP(MD)No.4440 of 2025 in CRL OP(MD)No.3734 of 2025

Further time is extended till 17.04.2025 to comply the order passed by this Court in Crl.O.P. (MD).No.3734 of 2025, dated 06.03.2025

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To be substituted to the order which is already despatched on 25.03.2025

To

1.The Judicial Magistrate,
Radhapuram,
Tirunelveli,
Tirunelveli District

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.3734 of 2025
06.03.2025

SL(21.03.2025)/ 6P/ 5C

MK(08.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.