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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32399 of 2026

CNR: {HCMA012621142026}

Riya Fokir

Case QR

..Petitioner

Vs

The State rep by the Inspector of Police,
AVS-I Police Station,
Immoral Traffic Prevention Unit II,
Chennai.
(Crime No.10 of 2026)

..Respondent

PRAYER: To enlarge the petitioner on bail in Cr.No.10 of 2026 pending for investigation on the file of the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side)

ORDER

This is a petition for regular bail under Section 483 of the BNSS. The petitioner is an accused in Crime No. 10 of 2026 on the file of the Inspector of Police, Anti-Vice Squad I, Immoral Traffic Prevention Unit II, Chennai, registered on 20.08.2026 for offences under Sections 111(1), 141 and 143 of the BNS and Sections 3(2)(a), 4(1) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956. On 24.08.2026 the offences were altered to add Section 96 of the BNS, Section 6(1) of the Immoral Traffic (Prevention) Act and Section 6 read with Section 17 of the Protection of Children from Sexual Offences Act, 2012.

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The gravest of them, Section 6 of the 2012 Act, carries rigorous imprisonment for not less than twenty years, which may extend to imprisonment for the remainder of natural life, or death. The investigation is pending. This is her second petition before this Court.

2. The case of the prosecution, briefly stated, is this. On a complaint by a non-governmental organisation that a Bangladeshi woman of twenty-five had been brought to Chennai on a false promise of work and was being held for prostitution, the respondent registered the crime and the same day searched a house at Valasaravakkam, arrested five persons and rescued six Bangladeshi women. The birth certificate found on the mobile phone of one of them, the victim child, showed her to be fifteen, and the offences were altered on that footing. A look-out circular was then opened against the petitioner. She was stopped by the customs officers at the border while crossing into Bangladesh, handed over to the Basirhat Police Station in West Bengal and arrested there by the respondent on 30.08.2026, and she was remanded to judicial custody at Chennai on 31.08.2026. The statements of the victim child and of the adult victim were recorded under Section 183 of the BNSS by the learned XVIII Metropolitan Magistrate, Saidapet, on 17.09.2026.

3. I dismissed the petitioner's first petition, Crl.O.P. No. 27597 of 2026, on 28.09.2026, on the specific allegation that she had coerced young girls into prostitution, the gravity of an accusation of cross-border trafficking, and the

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possible impact of her release on an investigation then in progress, one of the victims being a minor.

4. Learned counsel for the petitioner submitted that the circumstances have changed since that order in these respects.

[a] Time has passed, and the petitioner has remained in custody.

[b] A birth certificate now produced shows that the victim child is not a minor.

[c] The victim child has not implicated the petitioner.

[d] The adult victim has never implicated her, and the allegations in the first information report are only against the first accused.

[e] Certain facts were not placed before the Court on the earlier occasion.

It was further submitted that the petitioner runs a spa with two friends and employs only adult women, that she has no previous case, and that she will abide by any condition.

5. The petition is opposed. The respondent has produced the statements of the two victims already referred to, a birth registration certificate of the victim child, and the reports of her radiological and dental age estimation.

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6. I have considered the rival submissions and perused the material placed before me.

7. I take first the age of the victim child. There are now two birth registration certificates of the same child, issued by two different registering offices in Bangladesh under two different registration numbers. The one produced by the respondent was registered on 21.04.2026 by the Char Algi Union Parishad, Gaffargaon, Mymensingh, and gives her date of birth as 10.12.2010; it is the certificate found on her own mobile phone. The one produced by the petitioner was registered on 29.08.2026 in Zone-10 of the Dhaka South City Corporation, and gives her date of birth as 10.05.2006. It was registered nine days after the child had been rescued and placed in a Government home in Chennai. How it came to be obtained, and how it came into the hands of the petitioner, is not explained. The radiological estimate places the child between twelve and eighteen years of age and the dental estimate at thirteen to fourteen years, and before the learned Magistrate she gave her own age as fifteen. Which certificate is genuine is not for me to decide. In **State of Uttar Pradesh v. Anurudh, 2026 INSC 47**, the Supreme Court held that the *"determination of age of the victim is a matter of trial and not at the stage of bail"*, and that the bail court does not enter into whether the age documents are correct. All I need say is that the certificate now produced does

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not, even prima facie, displace the material on which the offences were altered. It is not a change that tells in the petitioner's favour.

8. I turn to the submission that the victim child has not implicated the petitioner. It is contrary to the record. In her statement under Section 183 of the BNSS she says that the petitioner offered her work in a beauty parlour in India; that a man sent by the petitioner arranged her passage; that on her arrival at Chennai on 11.05.2026 the petitioner had her brought by auto-rickshaw to a flat at Valasaravakkam and lodged her there; that when she refused to receive men she was locked in a room for three days without food; and that from 17.05.2026 until her rescue, the petitioner, her husband and a manager beat her into prostitution with five or six men a day, without payment. A statement under Section 183 is not substantive evidence, and its truth is for the trial. But it was recorded before the earlier petition was decided, so it is not new, and it tells against the petitioner, not for her. An averment in a petition for bail that the child has not implicated the petitioner, when her recorded statement says the opposite, detracts from the credit of the petition as a whole.

9. The adult victim attributes no act to the petitioner; she says only that, when she escaped from an auto-rickshaw on 14.08.2026, she was being taken to meet a person named Riya. The case against the petitioner does not rest on her statement. That the petitioner is not named in the first information report was

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urged in the earlier petition and was answered by the order on it. Her reliance, in paragraph 10 of the petition, on what she told the police after her arrest does not assist her; a statement to a police officer cannot be read for her any more than against her.

10. The petitioner has now been in custody for a little over two months. That is not a long period for an accusation that carries a minimum sentence of twenty years, with the investigation pending, two of the accused shown as absconding in the alteration report, and both victims, who are foreign nationals, yet to give evidence. The petitioner's own petition states that she *"used to travel Bangladesh and Kolkata for procuring girls for SPA"* (paragraph 10), and she was stopped at the border while crossing into Bangladesh after the crime had been registered.

11. Under Section 193(2) of the BNSS, the investigation of an offence under Section 6 of the 2012 Act is to be completed within two months. Nothing placed before me shows whether the final report has been filed. If it has not, the respondent shall complete the investigation and file the final report at the earliest.

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12. **In the result, this Criminal Original Petition is dismissed.** The petitioner is at liberty to apply for bail before the Special Court after the final report is filed.

10.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kmm

To

1. The Inspector of Police,
AVS-I Police Station,
Immoral Traffic Prevention Unit II,
Chennai.

2. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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