



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourteenth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17190 of 2015

XAVIOUR @ CABLE XAVIOUR

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
(CRIME NO. 15 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S K.P.NARAYANAKUMAR Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

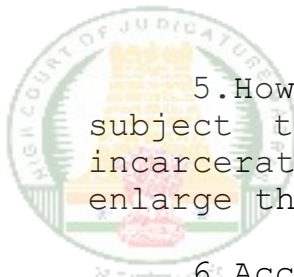
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused in Crime No.15 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 05.07.2015 for the alleged offences punishable under Section 4, 5(m)/6 of Posco Act, and hence, seeks bail.

2.According to the de-facto complainant that the accused has misbehaved with his daughter on 16.05.2015.

3.The learned counsel for the petitioner submitted that there are two fractions in the church located in that area and the de-facto complainant is the supporter of the priest in the church. It is further submitted that even according to the de-facto complainant, she knows the occurrence on 16.05.2015, but, the complaint was lodged after 25 days ie., on 04.06.2015. The learned counsel further submitted that the de-facto complainant has not explained the inordinate delay and the complaint was given against the petitioner, who is opposing the functioning of the priest.

4.The learned Government Advocate (Crl.side) vehemently opposed this petition contending that the victim is aged about 3 ½ years and the investigation is not yet completed.



5. However, considering the fact that the victim was already subject to the medical examination and the accused have been incarceration for more than 70 days, this Court is inclined to enlarge the petitioner on bail on the following conditions.

6. Accordingly, the petitioner is directed to be released on bail on 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, Nagercoil and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

sd/-
14/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.
- 3 THE PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL NAGERCOIL.

+1. CC to M/S K.P.NARAYANAKUMAR Advocate SR.No.53892

ORDER
IN
CRL OP(MD) No.17190 of 2015
Date :14/09/2015

RG.14.09.2015/AAL/MPA/SAR-II 2P/7C.