



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

Monday, the Fourteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.23132 of 2015

THOMASKUTTY @ THANKACHAN

... PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 399/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.VAMANAN Advocate
For Respondent : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side)

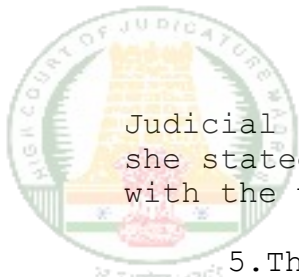
PETITION FOR BAIL Under Sec. 439 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.11.2015 for the alleged offences punishable under Section 376 of IPC, in Crime No.399 of 2015, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner had sexual intercourse with the defacto complainant. Due to which, the defacto complainant conceived and delivered premature child. Subsequently, the petitioner refused to marry her and married another woman. Therefore, the case has been registered for the above said offences.

3.The case of the petitioner is that he is innocent person and he has not committed any offence as alleged by the prosecution and the mother of the defacto complainant is from Kanyakumari and father of the defacto complainant is from Tiruvandrum. While she was staying at Tiruvandrum along with her father, she was sexually assaulted by her father and she conceived and she gave birth to premature child. She was admitted in Government Hospital at Ernakulam for delivery of the child. At that time she informed to the hospital authority that her father only responsible for her pregnancy and immediately the hospital authority informed the same to the police and the Sub-Inspector of Police recorded the statement of the defacto complainant and registered the case against the father of the defacto complainant in Cr.No.2480 of 2014, dated 04.11.2015.

4.The learned Government Advocate (Crl.side) filed a counter affidavit stating that the petitioner on promising of marrying the defacto complainant, had sexual relationship with the defacto complainant and she conceived and delivered premature baby and thereafter, the petitioner refused to marry her and married another lady. The statement of the victim girl was recorded by the



Judicial I Class Magistrate -1 at Museum Trivandrum and at that time, she stated that the petitioner had love affair and had sexual contact with the victim.

5. The learned counsel for the petitioner produced the copy of the complaint given by the defacto complainant against her father with translated copy and also the statement given before the Ernakulam Central Police Station.

6. From the complaint and statement it is seen that the originally the complaint has been given against the father of the defacto complainant that she was sexually assaulted by her father and her father only responsible for her pregnancy.

7. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 11.11.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered 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 District Munsif-cum-Judicial Magistrate, Eraniel and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-

14/12/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, ERANIEL.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANAYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE OFFICER-IN-CHARGE, DISTRICT JAIL, NAGERCOIL.

+1. CC to M/S K.VAMANAN Advocate SR.No.71512

Akm/14.12.2015/ 2p- 7c/jgb/dp/SAR-II

ORDER

IN

CRL OP(MD) No.23132 of 2015

Date :14/12/2015