



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

Thursday, the Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.378 of 2015

WEB COPY

MICHAEL JACKSON

... PETITIONER/1st ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
RAMESHWARAM,
RAMANATHAPRUAM DISTRICT.
CR. NO.19/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.VAKEESWARAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

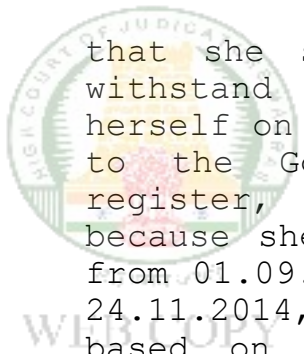
For Intervenor : MR.R.SUNDAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 24.11.2014 for the offences punishable under Sections 450, 376(2)(m), 506(ii), 306 r/w 116 IPC in Crime No.19 of 2014 on the file of the respondent police, seeks bail.

2. It is the case of prosecution that on 24.11.2014, the de-facto complainant gave a type-written complaint making certain allegations. On a reading of the complaint, it is seen that the de-facto complainant, who is about 19 years, is studying first year in BCA. Jothilakshmi, the sister of the de-facto complainant, is a neighbour of the petitioners herein. On 25.07.2014, the de-facto complainant came to the house of Jothilakshmi. According to the de-facto complainant, Michael Jackson's/A1 grandfather died and the de-facto complainant's parents, sister and brother-in-law had gone for the funeral and the de-facto complainant was alone in the house of Jothilakshmi. At that time, Michael Jackson/A1 had come to her house around 11.00 p.m. in the night and had offered her a cool drink. She consumed the cool drink and thereafter she did not know anything. She alleges that on the next day, Micheal Jackson/A1 told her that he had sexual intercourse with her and he has taken obscene photos of her. She further alleges that Michael Jackson was threatening her continuously and was sexually exploiting her. On 30.08.2014, she alleges that the parents and brother of Michael Jackson/the petitioners herein had threatened her and warned her



that she should not reveal these facts to anybody. Unable to withstand the torture, she doused herself with kerosene and set herself on fire on 01.09.2014 in her parental house. She was rushed to the Government Hospital, Rameshwaram and in the accident register, it is recorded that she attempted to commit suicide, because she had failed in the examinations. She was an inpatient from 01.09.2014 to 08.10.2014. Thereafter, she was discharged. On 24.11.2014, she has lodged the complaint narrating all these facts, based on which, the present case has been registered by the respondent police.

3. Heard the learned counsel for the intervenor and the learned counsel for the Intervenor has strongly objected to the grant of bail to the petitioner.

4. This Court, while granting anticipatory bail to the co-accused in this case in Crl.O.P.(MD) No.377 of 2015 on 19.01.2015, transferred the investigation of the case to the Deputy Superintendent of Police, Rameshwaram. Today, the Deputy Superintendent of Police, Rameshwaram, is present.

5. It is seen that the victim girl was in love with the petitioner/A1, which was not reciprocated by the petitioner. She had attempted to commit suicide only on that score and thereafter, when she got completely recovered, she has changed the version by contending that the petitioner had raped her. Be that as it may, this complaint has been given nearly 38 days after the victim girl was discharged from the hospital and this petitioner is in incarceration, since 24.11.2014.

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Tenkasi, and on further condition that:

[a] the petitioner shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether these petitioner is complying with the condition or not.

sd/-
05/02/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI
 - 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI DISTRICT
 - 3 THE INSPECTOR OF POLICE ALL WOMEN POLICE STATION RAMESHWARAM,
RAMANATHAPRUAM DISTRICT.
 - 4 THE OFFICER-IN-CHARGE
BORSTAL SCHOOL, MELUR AT MADURAI DISTRICT
 - 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.VAKEESWARAN Advocate SR.No.5357
ORDER
IN
CRL OP(MD) No.378 of 2015
Date :05/02/2015

NA/05/02/2015/P3/7C