



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

Friday, the Twentieth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4184 of 2015

WEB COPY

KRISHNAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION, KULASEKARAM,
KANYAKUMARI DISTRICT.
(CR.NO.596 OF 2014)

... RESPONDENT/COMPLAINANT

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

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.12.2014, for the offence punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.596 of 2014, on the file of the respondent police, seeks bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent.

3. The case of the prosecution is that this petitioner had misbehaved with the victim girl, on 17.11.2014 and based on the complaint given by her, this petitioner was arrested on 03.12.2014 and remanded to judicial custody on the same day.

4. The learned Government Advocate [Criminal Side] submits that investigation has been completed and final report has been filed, which was taken on file in S.C.No.1 of 2015 by the Mahila Court, Nagercoil.

5. The learned counsel for the petitioner submits that the petitioner is charged for the offences under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, which prescribe maximum punishment of five years and three years, respectively. Hence, the petitioner would have been entitled to be released on compulsory bail, after the expiry of 60 days from the date of arrest, viz., 01.02.2015, but whereas the final report was



filed only 13.02.2015, which is after the expiry of 60 days. The learned counsel for the petitioner further submits that the petitioner has filed Bail Applications one after the other, which were dismissed as withdrawn.

6. Be that as it may, taking into consideration the nature of the allegations found in the complaint and the fact that the final report has been filed, this Court is of the view that this is a fit case to grant bail to the petitioner.

7. 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, Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil and on further condition that:

[a] the petitioner shall report before the respondent police daily at 06.30 p.m. for a period of four 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 compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

(f).The Trial Court is directed to immediately frame charges and proceed with the trial on day-to-day basis, by examining the victim girl at first and if the petitioner does not co-operate in the trial, the Trial Court shall cancel the bail as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(g).The examination of the victim girl must be conducted in accordance with the provisions of the Act and Rules.

sd/-

20/03/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SESSIONS FAST TRACK MAHILA COURT,
KANYAKUMARI AT NAGERCOIL.

2 THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION, KULASEKARAM,
KANYAKUMARI DISTRICT.

3 THE OFFICER IN-CHARGE, DISTRICT JAIL, NAGERCOIL.

4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K.P.NARAYANAKUMAR Advocate SR.No.13653

ORDER

IN

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Date :20/03/2015

NA/20/03/2015/P3/6C