



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14063 of 2016

S.JEGATHEESH

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT.
CR.NO.15 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P. LATHA Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 06.06.2016, for the alleged offences punishable under Sections 8,17,10 r/w 9(n) of POCSO Act and Section 506(ii) IPC, in Crime No.15 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 04.06.2016, the petitioner tried to have sexual intercourse with the defacto complainant. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that due to previous enmity with regard to the land dispute, the petitioner's name has been falsely implicated in this case. At the instigation of the defacto complainant's Aunt, the defacto complainant has given a false



statement against the petitioner. He is innocent and he has not committed any offence as alleged by the prosecution. He is in judicial custody from 06.06.2016.

4. The learned Government Advocate (Crl. Side) submitted that on 04.06.2016, the petitioner took the defacto complainant, who is studying 12th standard and tried to have sexual intercourse with her. Now, the statement under Section 164(3) Cr.P.C. is recorded. If he is released on bail, he will tamper the evidence and hamper the investigation.

5. Considering the submissions made by the learned Government Advocate that the statement under Section 164(3) Cr.P.C. is recorded and the petitioner is in judicial custody from 06.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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 Fast Track Mahila Court, Nagercoil.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

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

sd/-
08/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDGE
THE FAST TRACK MAHILA COURT , NAGERCOIL
- 2 THE OFFICER IN-CHARGE
SUB JAIL, NAGERCOIL
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT.
- 4 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.P. LATHA Advocate SR.No.42541

PJL

JAM/08.08.2016/AAL-MPA/SARI/3P-6C

ORDER
IN
CRL OP(MD) No.14063 of 2016
Date :08/08/2016