



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

Friday, the Fifteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11800 of 2016

RAMESH,

... PETITIONERS / SOLE ACCUSED

Vs

State through

THE INSPECTOR OF POLICE,

M.KALLUPATTI POLICE STATION, MADURAI DISTRICT.

(CRIME NO.48 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.KAMESWARAN Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

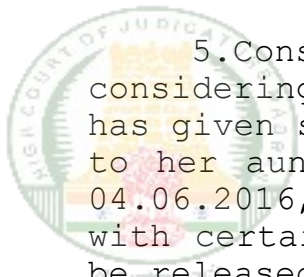
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 04.06.2016 for the alleged offence punishable under Section 366(A) IPC @ Section 4 of Protection of Children from Sexual Offences Act, 2012, in Crime No.48 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 22.05.2016, while the daughter of the de facto complainant was sleeping in home, at 11.00 p.m., she was missing. On complaint, case has been registered for the above said offence.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Both the petitioner and the daughter of the de facto complainant were loved each other and on coming to know the said fact, the parents of the victim girl, arranged marriage for her with another person. Due to that, she voluntarily left the home on 22.05.2016. The petitioner's name has not been mentioned in the FIR. The petitioner is in judicial custody from 04.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the victim girl has been secured and she has given statement before the learned Judicial Magistrate No.II, Usilampatti to the effect that she has voluntarily left her home to her aunt's house. Investigation is pending.



5.Considering the facts and circumstances of the case and also considering the fact that the victim girl has been secured and she has given statement to the effect that she left the home voluntarily to her aunt's home and the petitioner is in judicial custody from 04.06.2016, 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:

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- (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 learned Judicial Magistrate No.II, Usilampatti, Madurai District.
- (ii) the petitioner shall report before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 p.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]**.

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/-
15/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI, MADURAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE OFFICER INCHARGE
SUB JAIL, USILAMPATTI, MADURAI DISTRICT



4 THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION, MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.KAMESWARAN Advocate SR.No.36989

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ORDER

IN

CRL OP(MD) No.11800 of 2016

Date :15/07/2016