



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15509 of 2016

KILLBERT @ KILLBERT EDWINSON ... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI,
KANYAKUMARI DISTRICT
(CRIME NO.11 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.KAMESWARAN Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

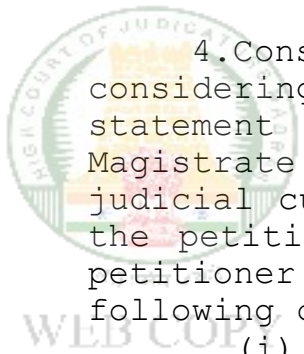
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 02.08.2016 for the alleged offences punishable under Section 341 IPC, Section 12 of POCSO Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.11 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. Due to family dispute, a false complaint has been given against the petitioner. The victim girl has given a statement under Section 164 CrPC before the learned Judicial Magistrate No.I (Fast Track), Nagercoil, wherein she has not made any specific allegation against the petitioner. The petitioner is in judicial custody from 02.08.2016.

3.The learned Government Advocate (Crl. side) submitted that on the complaint given by the de facto complainant, who is the mother of the victim girl, a case has been registered for the above said offences and the victim girl has given a statement under Section 164 CrPC before the learned Judicial Magistrate No.I (Fast Track), Nagercoil and Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.



4. Considering the facts and circumstances of the case and also considering the fact that the victim girl has already given her statement under Section 164 CrPC before the learned Judicial Magistrate No.I (Fast Track), Nagercoil and petitioner is in judicial custody from 02.08.2016, 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, Kanyakumari District.
- (ii) the petitioner shall report before the respondent police daily at 10.00 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]**.

5. 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/-

01/09/2016

/ TRUE COPY /

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

TO

1. THE JUDGE, FAST TRACK MAHILA COURT
NAGERCOIL, KANYAKUMARI DISTRICT
2. THE OFFICER-IN-CHARGE, SUB-JAIL, NAGERCOIL
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI, KANYAKUMARI DISTRICT
- +1. CC to M/S.S.KAMESWARAN Advocate SR.No.49151
RL/6C/2P/AAL/MPA/SARIII/1/9/2016

ORDER

IN

CRL OP(MD) No.15509 of 2016

Date : 01/09/2016