



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

Monday, the Nineteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23489 of 2016

VIKNESH KUMAR

... PETITIONER / ACCUSED NO.6

Vs

STATE BY INSPECTOR OF POLICE
KARAIKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 21/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V. KANNAN Advocate

For Respondent : MR.P.KANDASAMY 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 20.11.2016, for the offences punishable under Sections 5(1)(i) of I.T.P.Act and Sections 370(A)(5), 373 of IPC., and Section 17 of POCSO Act r/w Section 3(i)(W-1,II), 3(ii)(v)(a) of SC/ST Act., in Crime No.21 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Pagampriyal, aged about 13 years minor girl, gave a complaint to the respondent stating that she was employed as Home Maid in the house of A1 and she had asked the victim to have sex with her customers and A1 had also instigated the same. The petitioner had also exploited the victim minor girl sexually.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he is in judicial custody from 20.11.2016 and the co-accused had already released on bail.

4. The learned Government Advocate (crl.side) submitted that there are two named accused and during investigation 20 persons involved in the alleged offence and A1 and A2 were released on the ground of statutory bail by the Secessions Judge, Fast Track Mahila Court, Sivagangai, as per the order in Cr.M.P.No.989 of 2016, dated 09.12.2016. He would further submit that A4/Muthu Mohamed was released on bail by this Court, as per the order in Crl.O.P.(MD)No.23168 of 2016, dated 09.12.2016. The petitioner is the friend of A4. The victim girl has also given a statement under Section 164 Cr.P.C., before the Jurisdictional Magistrate stating that the petitioner is the friend of the said A4 without naming the petitioner and his friend(A4).



5. Considering the above facts and circumstances of the case and also considering the fact that co-accused/A4 was released on bail by this Court and also considering the submission of the learned Government Advocate (crl.side) in Crl.O.P.(MD)No.23168 of 2016 stating that investigation is almost over, I am inclined to grant bail to the petitioner subject to certain conditions.

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, Karaikudi, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, 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]**.

sd/-

19/12/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, KARAISKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
KARAISKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT,

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

5 THE OFFICER INCHARGE, SUB-JAIL, SIVAGANGAI

+1. CC to M/S.V. KANNAN Advocate SR.No.81627

GJM/GSV/PM/SAR-1-19.12.16-2P-7C

ORDER

IN

CRL OP (MD) No.23489 of 2016

Date : 19/12/2016