



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

Wednesday, the Seventeenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.5934 of 2017

GOPI

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

BODI TALUK POLICE STATION,

THENI DISTRICT,

IN CRIME NO. 241 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RAVICHANDRAN 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 17.04.2017, for the offences punishable under Section 344, 366(A), 406 I.P.C., and Sections 3 and 4 r/w Section 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.241 of 2016, on the file of the respondent Police, seeks bail.

2. Heard Mr.R.Ravichandran, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. The learned counsel appearing for the petitioner submitted that the petitioner and other accused were released on bail by the Sessions Court, Theni and appeared before the Trial Court without default till 13.04.2017 and thereafter, he suffered from infirmity and unable to appear before the Trial Court. In such circumstances, the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, issued a non-bailable warrant against the petitioner on 13.04.2017 due to his non appearance and based on NBW, the respondent police arrested the petitioner on 17.04.2017 and remanded him to judicial custody.

4. The learned Government Advocate appearing for the State submitted that due to the non-appearance before the Trial Court, NBW was issued to the petitioner and based on which he was



arrested and remanded to judicial custody.

6. Taking into consideration the facts and circumstances of this case, considering the gravity of offence said to have been committed by the petitioner and also the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he 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 learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni.
- (ii) the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, daily at 10.30 a.m., for fifteen days and thereafter, on all hearing dates.
- (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]**.

sd/-
17/05/2017

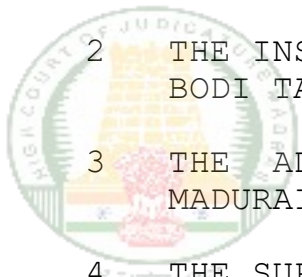
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
TO

<https://hcservices.ecourts.gov.in/hcservices/>

THE SESSIONS JUDGE, MAHALIR
NEETHIMANDRAM, FAST TRACK MAHILA COURT, THENI



- 2 THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION, THENI DISTRICT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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+1. CC to M/S.S.MAHESH BABU Advocate SR.No.22105

GJM/PN/SAR-4-18.5.17-3P-6C

ORDER
IN
CRL OP (MD) No.5934 of 2017
Date :17/05/2017