



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

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10990 of 2017

SELVARAJ

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
CRIME NO.7 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

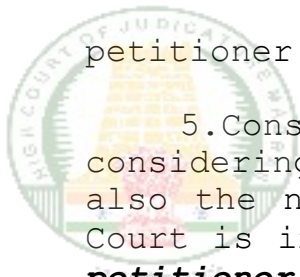
The petitioner / sole accused, who was arrested on 29.07.2017 for the offences punishable under Section 12 of POCSO Act, 2012 in Crime No.7 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that before the victim girl aged about 8 years, the petitioner has exposed his private part.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is having 3 daughters and one son and his wife is a Panchayat Union council and the petitioner is a diabetic patient. He also submitted that the relative of the petitioner has married the de facto complainant Charles, however, the petitioner's relative namely Chitthirai Kani was driven away from the matrimonial home by the de facto complainant Charles and subsequently, the de facto complainant Charles married another lady by name Kousalya and the same was opposed by the petitioner and on the instigation of the 2nd wife of the de facto complainant, the present false case has been foisted against the petitioner.

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

4.The learned Additional Public Prosecutor submitted that the



petitioner is the sole accused and investigation is still pending.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is a diabetic patient and also the nature of charges attributed against the petitioner, this Court is inclined to grant bail to the petitioner. 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 Sessions Judge Magalir Neethimandram, Thoothukudi;

(ii) the petitioner is directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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/-

21/08/2017

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, THOOTHUKUDI.

2 THE OFFICER-IN-CHARGE, DISTRICT JAIL, SRIVAİKUNDAM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.29008

NBJ

CSL/CM-MSA/SAR-IV/21.08.2017 : 2P/6C