



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

Monday, the Eleventh day of September Two Thousand Seventeen

PRESENT

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

WEB COPY

CRL OP(MD) No.11986 of 2017

CHELLAPANDI

... PETITIONER(S)/ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.94/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.N.RAJAMOHAMED Advocate

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

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

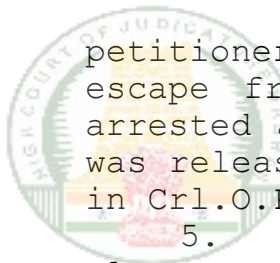
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.4 was arrested and remanded to judicial custody on 27.07.2017 for the offences punishable under Sections 5 r/w. 6 and 13 r/w 14 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.94 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused brought the victim minor girl to the brothel house and the petitioner herein is a Auto Driver, who acted as a broker and brought the victim girl to the brothel home.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his names has been falsely implicated in this case only on the sole ground of being an auto driver, who carried the culprits to the place where the alleged occurrence took place and not more than that. He would further state that it is highly improbable for an Auto Driver to ascertain the intention of the passengers while carrying them to the destination.

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally four accused in this case and the petitioner herein is arrayed as A4. He would further state that A1 is running a brothel home and A3 is a broker and the petitioner herein is a Auto Driver who acted as a broker and brought the victim girl to the brothel home. He would further state that the victim girl has also given a 164 statement before the concerned Magistrate in respect of involvement of the petitioner in the occurrence. He further contended that the victim girl is aged about 14 years as stated in her 164 statement and the



petitioner herein is said to have prevented the victim girl from escape from the brothel home. He further stated that A3 was arrested and released on bail by the Concerned Mahila Court and A1 was released by this Court, as per the order dated 21.08.2017 passed in CrI.O.P(MD).No.10978 of 2017.

5. Considering the facts and circumstances of the case and also considering the fact that co accused viz., A1 and A3 were already released on bail and that the petitioner is in jail from 27.07.2017, 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 Judge, Mahalir Neethimandram FTM Court, Thoothukudi.

(ii) the petitioner is directed to appear before the respondent Police daily at 10.30 am 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/-

11/09/2017

/ TRUE COPY /

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

TO

1 THE JUDGE, MAHALIR NEETHIMANDRAM, FTM COURT, THOOTHUKUDI
2 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION, THOOTHUKUDI
3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.B.N.RAJAMOHAMED Advocate SR.NO.30420

ORDER

IN

CRL OP(MD) No.11986 of 2017

Date :11/09/2017

PK/PM-PN/SAR-3/11.09.2017 : 2P/6C