



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17687 of 2017

MURUGAN

... PETITIONER/PETITIONER/ACCUSED No.2
Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
CR NO. 601/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

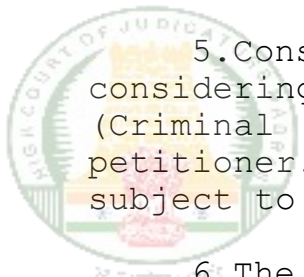
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 16.11.2017, for the offences punishable under Sections 366(A), 109 I.P.C., and subsequently altered into the offences under Sections 366(A) r/w 109 I.P.C., and 5(1), 6 POCSO Act, 2012, in Crime No.601 of 2017, on the file of the respondent police, seeks bail.

2.The petitioner herein is arrayed as accused no.2. The case of the prosecution is that the accused no.1 and the victim girl had loved with each other, thereby, they ran away from their houses and reached the accused no.2 house, who is residing at Kerala. The petitioner/accused no.2 herein gave asylum to the accused no.1 and the victim girl. Accordingly, the respondent police registered a case, arrested the petitioner herein and remanded to judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner/A2 herein gave asylum to the accused no.1 and the victim girl and the petitioner/A2 was not implicated for the offences under Sections 366(A) I.P.C., and 5(1), 6 POCSO Act, 2012. He was only implicated for the offence under Section 109 I.P.C., Hence he prays for bail before this Court.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that there was no sexual harassment against the petitioner/accused no.2 herein and the investigation is not yet completed.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), this Court is inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail, subject to the following certain conditions.

6. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Mahila Court Judge, Nagercoil, Kanyakumari District.

- (i) the petitioner shall report before the respondent police, daily at 10.30 a.m., until further order.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-

21/12/2017

/ TRUE COPY /

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

TO

- 1 THE MAHILA JUDGE, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 THE OFFICER IN CHARGE,
DISTRICT PRISON, NAGERCOIL, KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, THUCKALAY, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.36692

ORDER IN
CRL OP(MD) No.17687 of 2017
Date :21/12/2017