



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

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.2041 of 2017

CHINNADURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KULITHALAI,
KARUR DISTRICT
CRIME NO.9/2016

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.DEENADHAYALAN Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

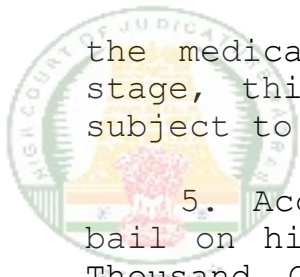
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.12.2016, for the offences punishable under Section 6 of POCSO Act r/w. Section 506(i) of IPC., in Crime No.9 of 2016, on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner states that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 26.12.2016 onwards. He also submitted that this is the second application filed by the petitioner, seeking bail.

3. The learned Government Advocate (crl.side) appearing for the respondent states that this is the second application filed by the petitioner, seeking bail and the earlier bail application moved on behalf of the petitioner herein was dismissed by this Court on 06.02.2017. He would further submit that investigation was completed in this case and since the victim is now pregnant, the medical examination of the victim is to be done only after delivery.

4. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is in custody from 26.12.2016 and the investigation was completed in this case, except



the medical examination of the victim, since she is in pregnant stage, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

5. 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 No.II, Kulithalai, and on further condition that:

[a] the petitioner shall report before the respondent Police, daily at 10.30 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/-

10/03/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI, KARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, KARUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI, KARUR DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.14150

MPK

CSL/CM-MSA/SAR-III/14.03.2017 : 2P/7C

ORDER

IN

CRL OP(MD) No.2041 of 2017

Date :10/03/2017