



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

Thursday, the Ninth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2580 of 2017

SENTHIL MURUGAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI,
(CRIME NO.54/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.RAMESH KUMAR Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 17.02.2017 for the offences punishable under Sections 294(b) and 341 of I.P.C., and Sections 11(1) and 12 of POCSO Act, 2012 and Section 3 (1)(w)(ii) of SC/ST Act, in Crime No.54 of 2017 on the file of the respondent police, seeks bail.

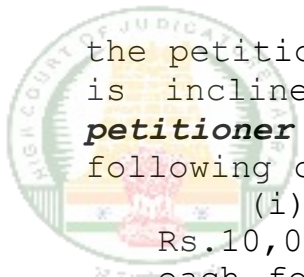
2.The case of the prosecution is that the petitioner has hold the school bag of the victim girl, aged 15 years and studying 10th standard and harassed her sexually using filthy language. Incidentally the victim girl belongs to Scheduled Caste community and therefore offences under SC/ST Act along with POCSO Act has been clamped against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 20 days.

4.The learned Government Advocate(Crl. Side) submitted that the investigation is still pending and taking note of the gravity of the crime, the petitioner, if released on bail, there may be recurrence of the incident.

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

5.Considering the facts and circumstances of the case and that



the petitioner has been in custody for more than 20 days, 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 Sessions Judge, Fast Track Mahila Court, Sivagangai;

(ii) the petitioner is directed to stay at Virudhunagar and appear before the Town Police Station 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/-
09/03/2017

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
SIVAGANGAI.
2. THE SUPERINTENDENT OF CENTRAL PRISON,
MADURAI.
3. THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.RAMESH KUMAR Advocate SR.No.13607

PJL
AE/SV MMS/SAR3/09.03.2017/2P/6C