



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

Wednesday, the Seventeenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP (MD) No.6023 of 2017

ANTHONY CRUZU

... PETITIONER/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.135 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, 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 17.04.2017, for the offences punishable under Sections 5 (1), 5(m), 5(n) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.135 of 2017, on the file of the respondent Police, seeks bail.

2. Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and it is a totally set up case.

4. The learned Government Advocate appearing for the State strongly objected to grant bail to the petitioner and he further submitted that the victim girl has been secured.

5. Taking into consideration the facts and circumstances of this case, considering the gravity of offence said to have been committed by the petitioner and also the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he is ordered to be released on bail, subject to the following conditions:



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- (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 learned Sessions Judge, Fast Track Mahila Court, Kanyakumari District at Nagercoil.
- (ii) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.
- (iii) the petitioner shall not tamper with 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 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/-

17/05/2017

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

TO

1. THE SESSIONS JUDGE, FAST TRACK MAHILA COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
3. THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.22245

ORDER

IN

CRL OP(MD) No.6023 of 2017

Date :17/05/2017

MS/PN/SAR.3/18.05.2017/2P.6C