



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

Monday, the Fifth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6512 of 2017

KARUPPASAMY

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE
NALATTINPUTHUR POLICE STATION,
TUTICORIN DISTRICT
CRIME NO. 114 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK Advocate

For Respondent : Mr.K.S.Duraipandian,
Additional Public Prosecutor

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 08.05.2017, for the offences punishable under Section 366 IPC and 5(1) r/w Section 6 of POCSO Act, in Crime No.114 of 2017, on the file of the respondent Police, seeks bail.

2.Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.K.S.Duraipandian, learned Additional Public Prosecutor appearing for the State.

3.The case of the petitioner is that the petitioner and the victim girl are close relatives and are in love for more than four years. Both eloped to marry and set up their matrimonial home. Since the mother of the victim girl has given a complaint, they themselves voluntarily came back and surrender before the police.

4. The learned Additional Public Prosecutor opposed the petition, on the ground that the victim girl is minor, hardly 16 years old and the offence has been altered from Section 366A IPC to 366 IPC and Section 5(1) r/w Section 6 of POCSO Act. The learned Additional Public Prosecutor further submits that the Medical Examination report is awaited, till then, the petitioner should not be granted bail.

5.It is a specific case of the prosecution that both the petitioner and the victim girl voluntarily appeared before the police, knowing about the complaint given by the mother of the



victim girl. The petitioner is in jail for nearly for 25 days and investigation is almost completed except for the medical examination report. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi.
- (ii) the petitioner shall report before the Investigation Officer 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/-

05/06/2017

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

TO

- 1 THE SESSIONS JUDGE
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT), THOOTHUKUDI
- 2 THE INSPECTOR OF POLICE
NALATTINPUTHUR POLICE STATION, TUTICORIN DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.23089

SM:CM-MSA:SAR 1:05.6.2017:2P/5C

ORDER

IN

CRL OP(MD) No.6512 of 2017

Date :05/06/2017