



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

Wednesday, the Seventh day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6790 of 2017

KAMU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.
CRIME NO.311/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.GOKUL Advocate

For Respondent : MR.C.RAMACHANDRAN, Additional Public Prosecutor.

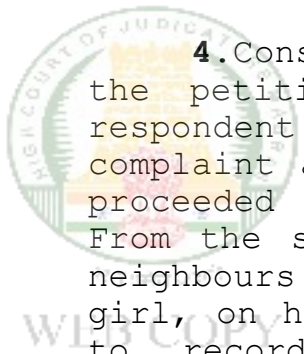
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the sole Accused, was arrested and remanded to judicial custody on 27.05.2017 for the alleged offences punishable under Section 448 of I.P.C, Sections 7 and 8 of POCSO Act, 2012 in Crime No.311 of 2017 on the file of the respondent police and hence, seeks bail.

2.The petitioner was arrested on 27.05.2017 based on a complaint given by one Vellaiyammal, alleging that the petitioner trespassed into her house on 26.05.2017, at 11.00 P.M and tried to sexually harass her daughter, aged about 15 years. The complaint has been given on the next day, at 11.00 A.M. and based on the said complaint, the petitioner was arrested and detained in judicial custody.

3.The learned counsel for the petitioner submitted that the victim girl was in love with the petitioner which was turned down by the petitioner and his marriage has been fixed with one Manimegalai, likely to be solemnized on 08.06.2017. Knowing that the petitioner is going to marry the said Manimegalai, the defacto complainant has invented the case of sexual harassment so as to prevent the marriage of the petitioner and also to put the petitioner in shame.



4.Considering the submissions made by the learned counsel for the petitioner, this Court sought for the C.D file from the respondent police. Surprisingly, this Court finds that except the complaint and the statement of the victim girl, the police has not proceeded further, despite arresting the petitioner on 27.05.2017. From the statement of the victim girl, this Court finds that the neighbours namely, Jeeva and Muthaiya came to rescue the victim girl, on hearing her noise and the police has not taken any action to record the statement of the said Jeeva and Muthaiya to verify the veracity of the complaint.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions. 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 Session Judge (Fast Track Mahila Court), Theni, and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

sd/-
07/06/2017

/ TRUE COPY /

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

TO

- 1 THE SESSION JUDGE (FAST TRACK MAHILA COURT), THENI.
- 2 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION, PERIYAKULAM, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.

+1. CC to M/S.K.GOKUL Advocate SR.No.23433

SKM/SMI
CSL/CM-MSA/SAR-IV/07.06.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.6790 of 2017
Date :07/06/2017