



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

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8700 of 2017

N.GOPI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION,
THENI DISTRICT.
IN CRIME NO.129 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.M.HASSANUL BAZARI Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

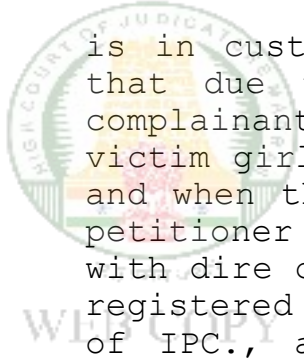
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.06.2017, for the offences punishable under Sections 294(b) and 506(ii) of IPC., and Section 4 of Women Harassment Act @ Sections 294(b) and 506(ii) and Section 4 of Women Harassment Act and Section 12 of POCSO Act, in Crime No.129 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between the petitioner and defacto complainant, the petitioner herein said to have eve-teased the victim girl, aged about 17 years, while she was going to the School and when the same was questioned by the defacto complainant, the petitioner said to have used abusive words and also made a threat with dire consequences.

3. The learned counsel appearing for the petitioner states that the petitioner's wife has given a complaint against the victim girl and her mother and is pending and in order to escape from the said complaint, this false complaint has been preferred against the petitioner by the paternal Aunt of the victim girl. He would further submit that the petitioner never committed any offence, as mentioned in the complaint and the petitioner has not eve-teased the victim girl, as alleged in the complaint. Both the petitioner and the victim are cousin and they are having good relationship and the petitioner is an innocent.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner is the sole accused in this case and he was arrested on 29.06.2017 and he



is in custody from the date of arrest. He would further submit that due to previous enmity between the petitioner and defacto complainant, the petitioner herein said to have eve-teased the victim girl, aged about 17 years, while she was going to the School and when the same was questioned by the defacto complainant, the petitioner said to have used abusive words and also made a threat with dire consequences. He also submitted that initially, an FIR was registered against the petitioner under Section 294(b) and 506(ii) of IPC., and Section 4 of Women Harassment Act and on the date itself Section 12 of POCSO Act, is added against the petitioner herein and the investigation is still pending.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. 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 Additional District and Sessions Judge for Mahila Court Cases, Theni, and on further condition that:

[a] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[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/-

11/07/2017

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

TO

1. THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE FOR MAHILA COURT CASES, THENI
2. THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
GUDALUR SOUTH POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.M.HASSANUL BAZARI Advocate SR.No.26230

ORDER IN
CRL OP(MD) No.8700 of 2017
Date :11/07/2017