



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

Friday, the First day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11187 of 2017

N.SARAVANAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
SOMARASAMPETTAI POLICE STATION,  
TRICHY DISTRICT.  
CRIME NO. 280 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

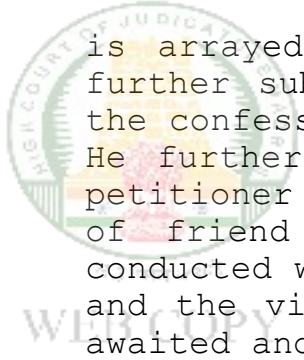
The petitioner / A1 who was arrested on 10.08.2017 for the offences punishable under Sections 147, 148, 342, 323, 366(A) & 506 (ii) of IPC r/w Section 3, 4, 5 (1) & 6 POCSO Act in Crime No.280 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused are said to have kidnapped the victim aged about 17 years old. A1 and the victim girl were known to each other since A1 came to the house of the de facto complainant frequently and the said victim was kidnapped by accused herein. Hence, the case was registered for the offences under Sections 147, 148, 342, 323 of IPC and thereafter, the victim came to the house, hence the Sections altered into for the offences under Sections 147, 342, 323, 366(A) & 506 r/w 3, 4, 5 (1) & 6 of POCSO Act.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner did not involve any occurrence as alleged by the prosecution and originally the petitioner name was not mentioned in the FIR. He also submitted that the petitioner implicated only because, he is the friend of A1 and now victim is in her parents' custody and the petitioner is an Engineering graduate and working in a private company and on suspicious the petitioner's name has been falsely implicated in this case.

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

4.The learned Additional Public Prosecutor submitted that 1 named and 13 unnamed accused in this case and the petitioner herein



is arrayed as A8, whose name was not mentioned in the FIR. He further submitted that A1 to A14 were already arrested and as per the confession of A1 remaining accused were implicated in this case. He further submitted that victim was kidnapped in a car by the petitioner and A1 and the victim and A1 were resided in the house of friend of A1 one Ramesh and A1 tied thali and physically conducted with the victim girl. Further, 164 statement was recorded and the victim sent for medical examination and medical report is awaited and the investigation is still pending.

5. Considering the facts and circumstances of the case and considering the fact that victim girl was secured and the period of incarceration of the petitioner in jail, 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 the learned Sessions Judge, Mahila Court, Trichy.

(ii) the petitioner is directed to appear before the respondent police 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/-  
01/09/2017

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, TRICHY.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,  
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.29710

ORDER IN  
CRL OP(MD) No.11187 of 2017  
Date :01/09/2017