

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twenty Third day of January Two Thousand Seventeen
PRESENT
The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.553 of 2017

SHENBAGAMOORTHY

... PETITIONER / ACCUSED NO.17

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
IN CR.NO.21 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.AJU TAGORE Advocate

For Respondent : M/S.P.KANDASAMY, Govt.Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.17, was arrested on 30.12.2016 for the offences punishable under Sections 5(1)(a), 6(1)(a) of Immoral Traffic Prevention Act, 1956 and 370(A) (5), 373 of I.P.C., and Section 17 of POCSO Act, 2012, in Crime No.21 of 2016 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner states that the petitioner herein is not known accused in this case and the victim girl identified the house which is not belong to the petitioner herein. He further states that on summons, the petitioner was present before the police station and he was identified by the victim only in the police station under the influence of the police and the victim girl has not spoken about the petitioner herein in her 164 statement before the concerned Magistrate.

3. The learned Government Advocate (Crl.side) appearing for the respondent states that there are two named accused in this case and during the investigation, there are 18 accused in this case, except A3 and A18, the remaining accused were arrested and released on bail. The petitioner herein is A17 in this case. As per 161(3) statement and also the further statement of the victim girl, the name of the petitioner is shown by the victim and the investigation is still pending. He further states that the petitioner was arrested and in custody from 30.12.2016 onwards.

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

4. Considering the above facts and circumstances of the case and also the fact that the victim girl, in her 164 statement given

before the Judicial Magistrate by not mentioning the name of the petitioner herein and she identified the petitioner before the police station, 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, Fast Track Mahila Court, Sivagangai;

(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;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) 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/-
23/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.2)

TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER IN CHARGE
DISTRICT PRISON, PUDUKOTTAI.
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SABBANI KARBURAJOTHI, Advocate SR.No.3574

ORDER IN
CRL OP(MD) No.553 of 2017
Date :23/01/2017