

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14489 of 2018

S.TAMILARASAN

[PETITIONER / ACCUSED]

Vs

STATE:

[RESPONDENT]

INSPECTOR OF POLICE,
ERİYUR POLICE STATION,
DHARMAPURI DISTRICT.
CR. NO. 42 OF 2018.

For Petitioner : M/S.V.ELANGO VAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.04.2018, for the alleged offences under Sections 11(4) & 12 of POCSO Act, 2012 and Sections 294(b) and 506(i) IPC in Crime No.42 of 2018, on the file of the respondent police, seeks bail.

2. Heard both sides.

3. The petitioner is arrayed as A2. The case of the prosecution as per the de-facto complainant one Sakunthala is that her daughter, viz., Sharmila, who is studying in 10th standard in Government School at Malaiyanoor and while she was going to school, Tamilselvan (A1) in this case, used to stalk her and also disturbed her by compelling her to get married him. While so, on 16.04.2018 the defacto complainant's husband gone to the Aeriur Police Station to lodge a complaint against A1. At the time, the accused Tamilselvan (A1) along with other accused had gone to the house of the *de facto* complainant and abused her and threatened her to do away with her and her family.

4. 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 submit that there was a love affair between the daughter of the defacto complainant and the brother of the petitioner herein, viz., Tamilselvan (A1) and that the defacto complainant had given a false complaint so as to see that A1 does

not interfere in the life of her daughter. He would also submit that the petitioner is in custody from 18.04.2018 and other than the above allegations, the petitioner has stated to have threatened the defacto complainant and there is no allegation against him for the offences invoking the provisions of the POCSO Act.

5. The learned Additional Public Prosecutor would oppose the grant of bail stating that Tamilselvan (A1) had stalked and threatened the defacto complainant and when the husband of the defacto complainant intended to give a complaint against them, the petitioner along with other accused went to the defacto complainant's house and threatened her with dire consequences.

6. Taking into consideration the submissions made by the learned counsels and also taking note of the fact that the petitioner has been in custody since 18.04.2018, I am inclined to grant bail to the petitioner with the following conditions.

7. 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) two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Dharmapuri District, 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 abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT,
DHARMAPURI DISTRICT.

2 THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

+1 CC to M/S.V.ELANGO VAN Advocate on payment of necessary
charges in SR.NO. 9643

CRL OP.14489/2018

Date :30/05/2018

MLT-30/05/2018