

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19834 of 2018

1 DURAIMURUGAN
2 SELVAMANI

[PETITIONERS / ACCUSED]

Vs

STATE BY:

[RESPONDENT]

THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.
CR. NO. 403 OF 2018.

For Petitioner : MR.R.SANKARASUBHU SENIOR COUNSEL FOR
M/S.S.RAJANIKANTH Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested on 21.07.2018 for the offence under Sections 11 (3), 12 of POCSO Act and 306, 511 of IPC in Cr.No.403 of 2018 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are arrayed as A1 and A2 in this case. The petitioners are friends and they had love affair with the defacto complainant and one Saranya who are friends/victims. The petitioners took close photographs of the victims and threatened the victims that if they fail to continue the relationship, they will publish the photos in the website. Initially, the victims consumed poison and attempted to commit suicide, however, they were rescued. Accordingly, the case came to be registered by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that they had love affair and the petitioners are ready to marry the victims after they attain the age of majority.

4.The learned Additional Public Prosecutor submits that the photographs were recovered from the petitioners.

5.Considering the period of incarceration and also the fact that the photographs were recovered from the petitioners, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Salem and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the Principal, Kavery Polytechnic College, Mecherry, Salem, daily at 9.15 a.m. until further orders and the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/08/2018

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 SESSIONS JUDGE
MAHILA COURT, SALEM

2 THE PRINCIPAL
KAVERY POLYTECHNIC COLLEGE,
MECHERRY, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT

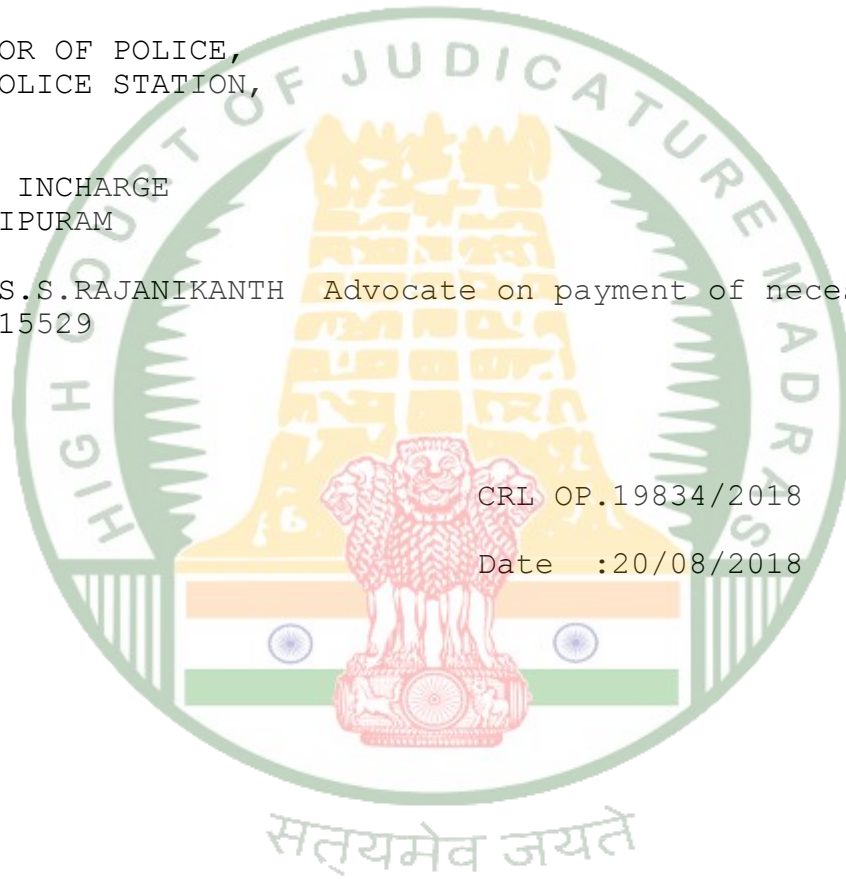
5 THE OFFICER INCHARGE
SUB - JAIL, RASIPURAM

+1CC to M/S.S.RAJANIKANTH Advocate on payment of necessary
charges SR.NO. 15529

CRL OP.19834/2018

Date :20/08/2018

cm 20/08/2018



WEB COPY