

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.19912 of 2018

S.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

STATE THROUGH [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.
CR. NO. 98 OF 2018.

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MS.P.KRITIKA KAMAL GOVERNMENT ADVOCATE

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioner seeks bail for the alleged offences punishable under Section 366(A) of I.P.C and later during the course of the investigation the case has been altered for offence under Section 5 (1), 6 of POCSO Act and under Section 366(A) of I.P.C in Crime No.98 of 2018 on the file of the respondent police.

3. The learned counsel for the petitioner has submitted that the petitioner is in custody for 90th day today.

4. The learned Government Advocate (Crl.side) appearing for the respondent-police has stated that the petitioner is in custody for the alleged offence under Sections 5(1), 6 of POCSO ACT read with 366 (A) of I.P.C in crime No.98 of 2018 before the Karimangalam Police Station, Dharmapuri District and the victim girl has deposed that on 12.03.2018, she has given some statement to the Investigation Officer and further statement was recorded on 24.04.2018 and the learned counsel for the petitioner has relied upon the statement given under Section 161 of Cr.P.C., to the Police.

5. Per contra, the learned Government Advocate (crl.side) has relied upon the statement of the victim girl under Section 164 of Cr.P.C recorded by the Judicial Magistrate.

6. After going through the same, without expressing anything about the probative value of the both statements as such, considering that the petitioner is in custody for the 90th day today and the investigation is substantial over, I am inclined to grant bail for the petitioner upon 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 likesum to the satisfaction of the learned Judicial Magistrate, Palacode, Dharmapuri District and the petitioner shall appear before the respondent police on everyday at 10.30 a.m., until further orders.

(ii) the petitioner shall not tamper with evidence or witness during trial.

(iii) the petitioner shall not abscond during trial

(iv) on breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]

(v) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C.

-sd/-

सत्यमेव जयते
14/08/2018

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

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TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
PALACODE, DHARMAPURI DISTRICT

1 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT

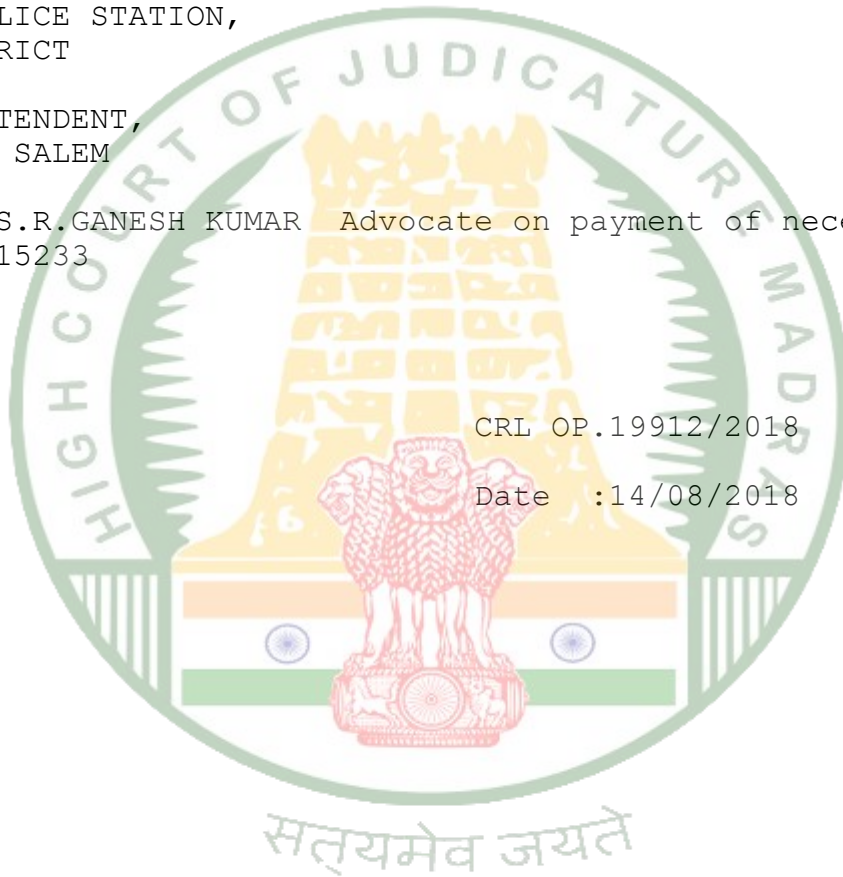
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges SR.NO. 15233

CRL OP.19912/2018

Date :14/08/2018

cm 14/08/2018



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