



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.131 of 2018

VISWANATHAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.349 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

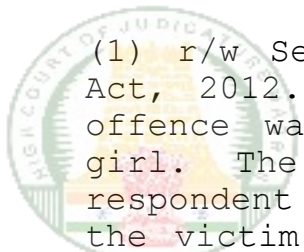
The petitioner / sole accused, who was arrested on 03.11.2017 for the offence punishable under Section 366-A of IPC and Section 5 (1) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.349 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has married the minor daughter of the de complainant and had physical contact with her.

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 is in judicial custody from 03.11.2017 onwards.

4.The learned Additional Public Prosecutor submitted that the victim girl is aged about 15 years old and the investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody on 03.11.2017 for the offences punishable under Section 366-A of IPC and Section 5



(1) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012. On going through the facts of the case, the alleged offence was happened only after getting consent from the victim girl. The de facto complainant, in the complaint lodged before the respondent police, admitted the above fact. However, since age of the victim girl is 15 years, the case was registered against this petitioner for the above said offences. Considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Mahila Court, Pudukkottai District.

(ii) the petitioner is directed to appear before the respondent police daily twice ie., morning at 10.00 a.m. and evening at 5.00 p.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/-
05/01/2018

/ TRUE COPY /

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

TO

1 THE JUDGE, MAHILA COURT, PUDUKKOTTAI

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

2 THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.



3 THE OFFICER-IN-CHARGE,
SUB JAIL, PUDUKKOTTAI

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.186

ORDER
IN
CRL OP(MD) No.131 of 2018
Date :05/01/2018

PK/PM-PN/SAR-1/05.01.2018 : 3P/6C