



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

Thursday, the Fourth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.20 of 2018

KARUPPIAH @ RANJITH

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT,
CRIME NO.8/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MATHAVAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN, 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 25.10.2017 for the offence punishable under Section 5 (j) (ii) r/w 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.8 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to love affairs between the petitioner and the minor victim girl, the petitioner had physically contact forcibly with the victim. Hence, she is 6 months pregnant.

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 and the de facto complainant are relatives and the petitioner is no way connected with the alleged occurrence and he is in judicial custody from 25.10.2017.

4.The learned Additional Public Prosecutor submitted that the petitioner is not having any previous bad antecedent and the investigation has completed.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 5 (j) (ii) r/w 6 of Protection of Child from Sexual Offences Act, 2012 and he is in judicial custody from 25.10.2017. As of now, after investigation charge sheet has been filed and further the petitioner is not having any previous bad



antecedent. Therefore, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the trial.

6. Considering the above facts and circumstances, 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 Sessions Judge, Mahila Court, Pudukkottai.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.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/-

04/01/2018

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI.
- 2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT,

+1. CC to M/S.G.MATHAVAN Advocate SR.No.96

ORDER

IN

CRL OP(MD) No.20 of 2018

Date : 04/01/2018