



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2015 of 2018

SYED IBRAHIM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PALANI,
DINDIGUL DISTRICT.
IN CR.NO. 1/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.JEGADEESWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

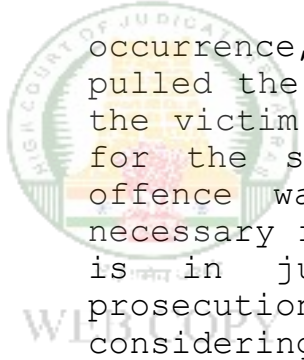
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 12.01.2018 for the alleged offences punishable under Section 11 (2) r/w. Sections 12 and 18 of POCSO Act, in Crime No.1 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is running a mobile service shop, when the defacto complainant's daughter went to the mobile shop, the petitioner pulled her hand and attempted to molest her. Hence, the case has been registered against the petitioner for the above said incident.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner tried to molest the victim girl, aged about 14 years and the investigation is in progress.



occurrence, the petitioner herein standing in nude position and pulled the victim girl in to the shop which is running by him. But the victim girl ran away from the scene of occurrence. Accordingly, for the said offence, the case has been registered. Since the offence was not completed, custodial interrogation may not be necessary for completing the investigation. Moreover, the petitioner is in judicial custody from 12.01.2018. According to the prosecution, a portion of the investigation is completed. So, considering the facts and circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. 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 (Fast Track), Dindigul;
- (ii) the petitioner shall report before the Tirunelveli Town Police Station, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
21/02/2018

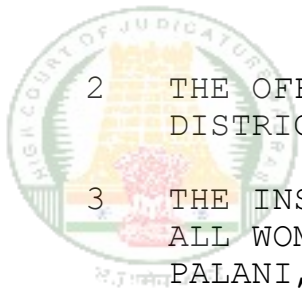
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

1 THE MAHILA JUDGE, FAST TRACK, DINDIGUL.



2 THE OFFICER IN CHARGE,
DISTRICT PRISON, DINDIGUL.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No.2782

ORDER

IN

CRL OP(MD) No.2015 of 2018

Date :21/02/2018

MKV-CM-SAR 2/21.2.2018/3P-7C