



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2142 of 2018

SATHISHKUMAR

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.808 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.JAYARATHINAM, Advocate for
M/S.S.MAYA PERUMAL, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

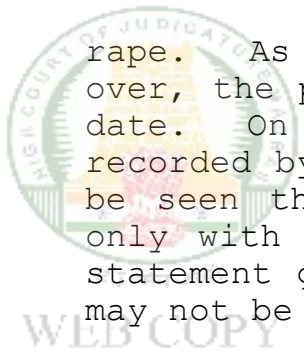
The petitioner, who was arrested on 04.12.2017 for the offence punishable under Sections 366 (A) & 376 IPC and Sections 6, 5(i) of POSCO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.808 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 06.11.2017, the de facto complainant's daughter has not returned to home after completing the regular work. After tracing the victim at various place, the de facto complainant came to know that the accused herein kidnapped his daughter. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 04.12.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner made physical contact with the de facto complainant's daughter and hence, he had committed the offence of



rape. As of now, part of the investigation is completed. More over, the petitioner is in judicial custody from 04.12.2017 to till date. On going through 164 Cr.P.C. statement of the victim girl recorded by the learned Judicial Magistrate No.II, Sathur, it could be seen that the alleged offence was committed by the petitioner only with the consent of the victim. Therefore, according to the statement given by the victim girl, further custodial interrogation may not be necessary for completing the investigation.

6.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 Fast Track Mahila Court, Srivilliputhur, Virudhunagar District;

(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/-
13/02/2018

/ TRUE COPY /

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

TO

1. THE JUDGE, FAST TRACK MAHILA COURT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION, VIRUDHUNAGAR DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAYA PERUMAL Advocate SR.No.2410

ORDER IN
CRL OP(MD) No.2142 of 2018
Date :13/02/2018