



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2405 of 2018

SIJIN

... PETITIONER/ACCUSED (SOLE)

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT,
CRIME NO.1 OF 2018.

... RESPONDENTS/COMPLAINANT

For Petitioner : Mr.C.MUTHUSARAVANAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 13.01.2018 for the offences punishable under Section 4 of The Protection of Children from Sexual Offences Act, 2012, 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 has sexually misbehaved with the daughter of the de facto complainant, who is aged about 15 years. Thus, on complaint, a case has been registered against the petitioner for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is a Polytechnic College Student and he is in judicial custody from 13.01.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the chemical analysis report is awaited and the investigation of the case is pending.



5. The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, the petitioner after knowing that the victim girl is aged about 15 years, committed the offence of rape. The statement of the victim girl given before the learned Judicial Magistrate No.I, Kuzhithurai, reveals that, at the time of occurrence, the victim girl alone went to the house of the accused. According to the prosecution, portion of the investigation is completed and awaited for receiving chemical analysis report. Further, the petitioner is in judicial custody from 13.01.2018. Considering the nature of offence committed by the petitioner and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. 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, Fast Track Mahila Court, Kanyakumari District at Nagercoil.

(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/-

28/02/2018

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

TO

1 THE SESSIONS JUDGE,
<https://hcservices.ecourts.gov.in/hcservices/>
FAST TRACK MAHILA COURT,
KANYAKUMARI, DISTRICT AT NAGERCOIL



2 THE OFFICER IN CHARGE,
SUB JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.C.MUTHUSARAVANAN Advocate SR.No.3254

ORDER

IN

CRL OP (MD) No.2405 of 2018

Date :28/02/2018

trp

SH/CM-VR/SAR-2:28.02.2018:3p/6c