



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3638 of 2018

POORNA SURESH

... PETITIONER / sole ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.475 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.JEYAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

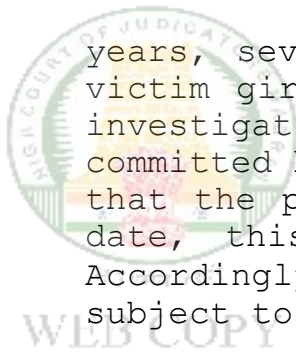
The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.12.2017, for the offence punishable under Sections 6 of POCSO Act, in Crime No.475 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein forcibly made penetrative sexual assault on the victim girl. Hence, a case has been registered for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 04.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that after completing investigation, charge sheet has been filed in this case.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, even after knowing the victim girl is aged about 14



years, several times the petitioner made physical contact with the victim girl. According to prosecution, as of now, after completing investigation, charge sheet has been filed. Even though the offence committed by the petitioner is grave in nature, considering the fact that the petitioner is in judicial custody from 04.12.2017 to till date, 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 Judicial Magistrate No.I, Tuticorin, Tuticorin District.

(ii) the petitioner is directed to appear before the concerned trial Court 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/-
08/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
- 3 THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI



COPY TO:-

THE OFFICE INCHARGER,
DISTRICT PRISON, TUTICORIN

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No.3677

WEB COPY

MSA

JAM/09/03/2018/ CM-VR / SAR 2 / 3P-7C

ORDER

IN

CRL OP (MD) No.3638 of 2018

Date :08/03/2018