



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

Friday, the Ninth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3735 of 2018

C.RANJITH

... Petitioner/Sole Accused

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
TUTICORIN DISTRICT,
(CRIME NO. 167 OF 2017)

... Respondent/Complainant

For Petitioner : M/S.S.SIVA THILAKAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

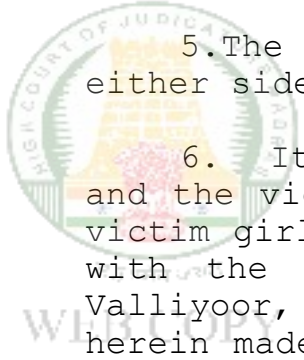
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, was arrested and remanded to judicial custody on 22.01.2018 for the offences punishable under Section 366A of IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012) in Crime No.167 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner is said to have kidnapped the victim girl, aged about 14 years, and made penetrative sexual assault on her. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

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 in judicial custody from 22.01.2017. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is under progress.



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

6. It is alleged that prior to the occurrence, the petitioner and the victim girl fell in love with each other. Thereafter, the victim girl voluntarily left her house and went to Valliyoor along with the petitioner, where the petitioner was residing and in Valliyoor, with the consent of the victim girl, the petitioner herein made intercourse and thereafter, the victim girl was secured by the respondent Police. As per the complaint given by the mother of the victim girl, the victim is aged about 15 years. According to the statement recorded by the learned Judicial Magistrate, Srivaikundam, the alleged offence was happened only after getting consent from the victim girl. Now, the petitioner is in judicial custody from 22.01.2018. Considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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 Judicial Magistrate, Srivaikundam, Tuticorin District;

(ii) the petitioner shall 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/-
09/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE ,
SRIVAIAKUNDAM, TUTICORIN DISTRICT.

2 DO TRHOUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE OFFICER IN CHARGE,
DISTRICT JAIL AT PERURANI,
TUTICORIN DISTRICT.

4 THE INSPECTOR OF POLICE,
KURUMBUR, TUTICORIN DISTRICT.

5 Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.S.SIVA THILAKAR Advocate SR.No.54048.

ORDER

IN

CRL OP(MD) No.3735 of 2018

Date :09/03/2018

SDS/MM-PN/SAR.2/12.03.2018/3P/7C