



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

Thursday, the Twenty Second day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4529 of 2018

ESWARAN

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO.47 OF 2017).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.PRAVEEN KUMAR, Advocate

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

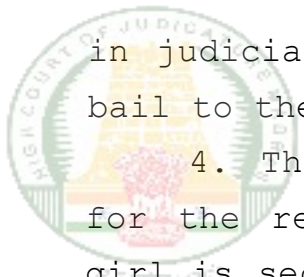
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 21.02.2018 for the alleged offences punishable under Section 366 IPC., and Section 6 of the Protection Of Children from Sexual Offences Act, 2012, in Crime No.47 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has abducted the victim girl and committed rape by giving false promise that he would marry the victim girl. Hence, the case has been registered for the above said offence.

3.The learned counsel representing 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. He further submitted that the petitioner is



in judicial custody from 21.02.2018. 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 victim girl is secured. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the victim girl is aged about 17 years and the petitioner is aged about 19 years. Now, on going through the 164 Cr.P.C., statement given by the victim girl before the learned Magistrate, it would appear that at the time of occurrence, the petitioner and the victim girl were eloped and thereafter they stayed at the house of the petitioner's sister for 10 days, during the time, they are leading life as husband and wife. Subsequently, after lodging this complaint, the petitioner himself sent the victim girl to her paternal home. As of now, the victim girl is secured. Moreover, the petitioner is in judicial custody from 21.02.2018. Medical examination also completed. Hence, considering the facts and circumstances, this Court is inclined to grant bail to the petitioner, with certain 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 Sessions Judge, Fast Track Mahila Court, Theni;
- (ii) the petitioner shall report before the respondent police, 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/-
22/03/2018

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE,
MAHILA COURT (FAST TRACK),
THENI.

2 THE OFFICER IN CHARGE ,
DISTRICT PRISON,
THENI.

3 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.K.PRAVEEN KUMAR, Advocate SR.No.4629.

ORDER
IN
CRL OP(MD) No.4529 of 2018
Date :22/03/2018

SDS/PN/SAR.2/22.03.2018/3P/6C

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