



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.95 of 2018

SUNDAR @ SUNDARAMOORTHY

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.521 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.PRABU, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

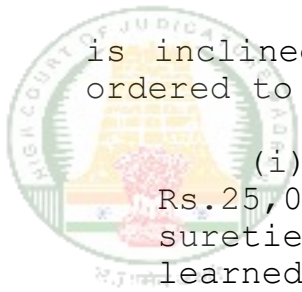
The petitioner / sole accused, who was arrested on 16.10.2017 for the offence punishable under Section 493 IPC and Section 5 (1), 6 of POCSO Act in Crime No.521 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the victim girl and sexually harassed her. Accordingly, the present case was registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the offences as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that the victim girl is aged about 15 years old and the investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 493 IPC and Section 5 (1), 6 of POCSO Act and he is in judicial custody from 16.10.2017 and the said victim girl is aged about 15 years. However, considering the fact that the petitioner is in judicial custody from 16.10.2017, further custodial interrogation is not necessary. Accordingly, this court



is inclined to grant bail to the petitioner and 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 Mahila Court, Thoothukudi.

(ii) the petitioner is directed to appear before the respondent police daily twice ie., morning at 10.00 a.m. and evening at 5.30 p.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/-
05/01/2018

/ TRUE COPY /

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

TO

1. THE JUDGE, MAHILA COURT, THOOTHUKUDI.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.PRABU Advocate SR.No.205

ORDER IN
CRL OP(MD) No.95 of 2018
Date : 05/01/2018

MS/PM-PN/SAR.1/05.01.2018/2P.6C