



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5272 of 2018

JOHN JEYAKUMAR ... PETITIONER/PETITIONER/PETITIONER/
ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM,
TIRUNELVELI DISTRICT.
CRIME NO.2 OF 2018 ... RESPONDENT/RESPONDENT/RESPONDENT/
COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : MR.PRABHU RAMACHANDRAN, Govt. Advocate (Crl. Side)

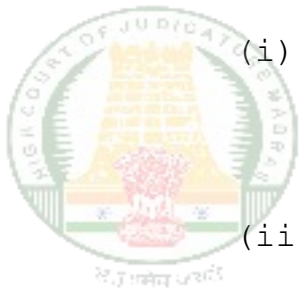
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.1. He was arrested on 20.01.2018 by the respondent police and remanded to judicial custody. The case against him is for the offences punishable under Sections 342, 109 and 506(i) IPC and Sections 5(I), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 [hereinafter referred to as 'the POSCO Act'], in Crime No.2 of 2018, on the file of the respondent police. He seeks bail.

2.This Court went through the contents of the FIR. It is seen that the victim had consensual relationship with the petitioner herein. Since she is below the age of 18, the provisions of the POSCO Act have been invoked. It is also noted that the mother of the victim has been shown as second accused.

3.Considering the nature of allegations levelled against the petitioner and also considering the fact that he is in judicial custody from 20.01.2018, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:



WEB COPY

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam, Tirunelveli District.

(ii) The petitioner shall appear before the respondent police as and when required for interrogation.

(iii) The petitioner shall not abscond.

(iv) On breach of any of the aforesaid conditions, 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 learned 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/-

05/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ALANGULAM, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.5545

SMN2

CSL/CM-VR/SAR-I/05.04.2018 :2P/7C

ORDER

IN

CRL OP(MD) No.5272 of 2018

Date :05/04/2018