



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

Wednesday, the Eleventh day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.5692 of 2018

G. KARTHICK @ KARTHIKEYAN

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY,
IN CR.NO. 7 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MAHARAJAN Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

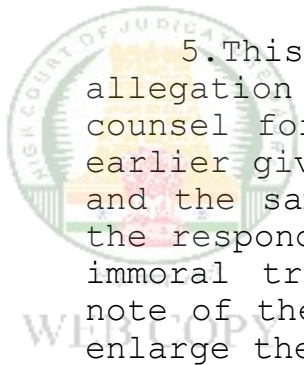
ORDER : The Court Made the following order :-

The petitioner is arrayed as 1st accused. He was arrested and remanded to judicial custody on 08.03.2018 for the offences punishable under Sections 5(1) 6 of Prevention of Children from Sexual Offences Act, 2012 and Sections 323 and 506(i) of IPC, in Crime No.07 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner and his wife and another one person sexually tortured the victim and threatened her with dire consequences. Therefore, based on the complaint lodged by the victim, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that petitioner is an innocent person and that the petitioner has not committed any offence as alleged by the prosecution and that the other two accused were released on anticipatory bail and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) has strongly opposed the grant bail to the petitioner on the ground that the petitioner has committed the offence under Sections 5(1) 6 of Prevention of Children from Sexual Offences Act, 2012 and Sections 323 and 506(i) of IPC.



5.This Court went through the contents of the FIR and the allegation on the face appears to be serious. But the learned counsel for the petitioner submitted that the very same victim has earlier given complaint against one Karuppasamy for similar offences and the same was registered as Crime No.25 of 2017 on the file of the respondent police themselves. It is also pointed out that the immoral traffic offences is also registered against her. Taking note of the background facts of the case, 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;

(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 Mahila Judicial Magistrate, Madurai.

(ii)the petitioner is directed to 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 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/-
11/04/2018

/ TRUE COPY /

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

TO

- 1 THE MAHILA JUDICIAL MAGISTRATE, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.MAHARAJAN Advocate SR.No.5919

ORDER IN
CRL OP(MD) No.5692 of 2018
Date :11/04/2018