



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21497 of 2018

TAMILSELVAN @ SENTHAMIL SELVAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVAIYARU,
THANJAVUR DISTRICT.
(CRIME NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.THIRUVADI KUMAR, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

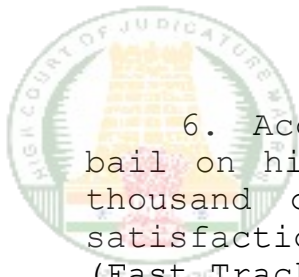
The petitioner was arrested and remanded to judicial custody since 29.09.2018 for the offence punishable under Sections 5(1), 5(j) (ii) and 6 of Protection of Children From Sexual Offences Act, 2012 in Crime No.11 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim fell in love and had given false promise to marry her, they had sexual intercourse. Thereafter, the victim delivered a child on 17.09.2018. Now the petitioner did not marry the victim, hence the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner admits that the paternity of the child and he has also filed an affidavit to that effect. The 164 statement stated that the victim is not ready to proceed against the petitioner. She is willing to live with him.

4.Heard the learned Additional Public Prosecutor for the respondent.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Thanjavur, and on further condition that:

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[a] the petitioner shall report before the respondent police weekly once i.e, every Monday at 10.30.a.m.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/12/2018

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE, MAHALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT), THANJAVUR.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

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

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.23026

ORDER

IN

CRL OP(MD) No.21497 of 2018

Date :11/12/2018

MS/PN-AC/SAR-3/11.12.2018/2P.6C