



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

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.9099 of 2018

A. ASHOK

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,
TIRUNELVELI DISTRICT,
IN CR NO. 10/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SATHEESH KUMAR Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

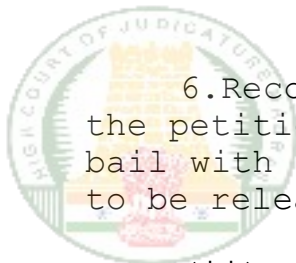
The petitioner is in judicial custody since 09.05.2018 for the offences punishable under Sections 363, 506(i) I.P.C and Section 5 (1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2018 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3.This Court went through the contents of the F.I.R. It appears to be a case of consensual physical relationship. However, the fact remains that the victim is a minor. She is about the age of attaining the majority.

4.The learned counsel for the petitioner, on instructions of the petitioner, would submit that the petitioner is ready and willing to marry the defacto complainant, on her attaining the age of majority.

5. The petitioner, after coming out on bail, shall file an affidavit of undertaking within a period of one week, before the concerned Judicial Magistrate.



6. Recording the undertaking given by the learned counsel for the petitioner, 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;

(ii) 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.

(iii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(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/-
12/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGULAM
- 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

+1. CC to M/S.S.SATHEESH KUMAR Advocate SR.No.10250

GJM/PN/GSR/13.6.18-2P-7C

ORDER
IN
CRL OP(MD) No.9099 of 2018
Date :12/06/2018