



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

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10321 of 2018

SELVARASU

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDHUKOTTAI DISTRICT.
IN CRIME NO.8 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN, Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

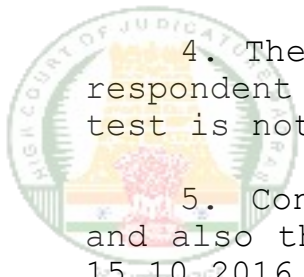
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / accused was arrested on 15.10.2016, for the offences punishable under Sections 341 and 506(ii) of IPC., and Section 5(j)(ii), 6, 5(n) of Protection of Children from Sexual Offences Act, 2015, in Crime No.8 of 2016, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had physical contact with the victim girl, who is aged about 16 years old, and subsequently, the victim girl has become pregnant.

3. The learned counsel appearing for the petitioner would submit that earlier, the petitioner herein has moved an application before the trial Court in Cr.M.P.No.212 of 2017, for conducting DNA test, since the paternity of the child and also the allegation made against the petitioner are denied. Further, the earlier bail application moved by the petitioner in Crl.O.P(MD)No.12168 of 2017, was dismissed, as per order dated 15.09.2017, on the ground that the petition for conducting DNA test was pending. Subsequently, the petitioner moved an another bail application in Crl.O.P(MD)No.13619 of 2017, seeking bail and that petition was also dismissed as withdrawn by the petitioner herein, as per order dated 30.10.2017. The present petition is the 3rd application seeking bail stating that there is no progress in respect of conducting DNA test, which was ordered by the trial Court. The petitioner as well as the victim girl with her child sofar have not appeared. The petitioner was arrested and remanded to custody on 15.10.2016 and he is in prison for more than a year.



4. The learned Government Advocate (Crl.side) appearing for the respondent states that the trial has not commenced sofar. The DNA test is not conducted sofar, as per the order of the trial Court.

5. Considering the above facts and circumstances of the case and also the period of incarceration of the petitioner in jail from 15.10.2016 onwards and there is no progress in the commencement of trial till date, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

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 Mahalir Neethimandram, Pudhukottai District and on further condition that:

[a] the petitioner shall report before the Mahalir Neethimandram, Pudhukottai District, daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during 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].

sd/-
28/06/2018

/ TRUE COPY /

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

TO

1. THE JUDGE, MAHALIR NEETHIMANDRAM, PUDHUKOTTAI DISTRICT.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KEERANUR, PUDHUKOTTAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.11636

ORDER IN
CRL OP(MD) No.10321 of 2018
Date :28/06/2018

MS/PN/RNB/28.06.2018/2P.6C