



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21969 of 2018

D.GOWTHAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
CRIME NO.323/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SOLAISAMY, 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 26.11.2018 for the offence punishable under Section 6 of Protection of Children from Sexual Offences Act altered into Section 366 (A) IPC and Section 6 of Protection of Children from Sexual Offences Act in Crime No.323 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim were had love affair with each other. The petitioner, who was working in a Army, received a call from the victim and he left the army without taking proper permission and they had gone out. On 24.11.2018 the petitioner had received phone call from the police station and he surrender before the police on 26.11.2018. The victim was examined by the Magistrate and she stated that she wanted to live with her parents. The victim and the petitioner had come to Madurai and stayed in a lodge. When the petitioner received the phone call, the victim appeared before the police. In the 164 Cr.P.C., statement, she had stated that she had voluntarily gone with the petitioner stayed with him but had no physical contact. Further, she is still in love with him on attaining majority she wants to marry the petitioner.

3. The learned Additional Public Prosecutor for the respondent submitted that the investigation is pending.



4. 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 with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on her 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 Mahila (Additional Sessions) Court, Theni and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[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/-

12/12/2018

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

TO

1. THE JUDGE,
THE MAHILA (ADDITIONAL SESSIONS) COURT,
THENI.
2. THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
3. THE OFFICER INCHARGE, BORSTAL SCHOOL,
MELUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.SOLAISAMY Advocate SR.No.23189

ORDER IN

CRL OP(MD) No.21969 of 2018

Date :12/12/2018