



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

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.12788 of 2018

GOPAL

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ILUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
Crime No. 88 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr`.K.SANKAR 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 sole accused. He was arrested and remanded to judicial custody on 16.06.2018 for the offences punishable under Section 9(N), 9(1) and 10 of Protection of Children from Sexual Offences Act, 2012, in Crime No.88 of 2018, on the file of the respondent police. He seeks bail.

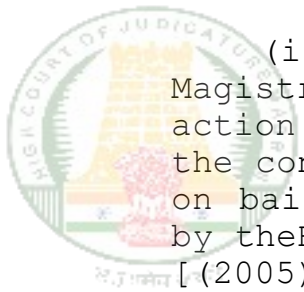
2.The statement given by the child before the Magistrate has been produced before me. It is seen that the petitioner is not guilty of any offending act.

3.Since the statement of the child is totally exculpatory, this Court is inclined to grant bail to the petitioner 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 Judicial Magistrate, Keeranur.

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



(iii) 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].

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4. The learned Government Advocate (Crl. Side), submits that the case is being handled by a woman Inspector. In view of the statement made by the child before the Judicial Magistrate, a direction is given to the respondent to close the case as mistake of fact immediately and file the final report before the learned Judicial Magistrate within a period of one week.

sd/-
25/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
KEERANUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ILUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.SANKAR Advocate SR.No.14004

ORDER
IN
CRL OP(MD) No.12788 of 2018
Date : 25/07/2018

TK/MMS/VK/25.07.2018/2P-7C

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