



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

Monday, the Sixth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.13938 of 2018

THAMARAISELVAM

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKKOTTAI, THANJAVUR DISTRICT
Crime No.8/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.DEENADHAYALAN Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

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

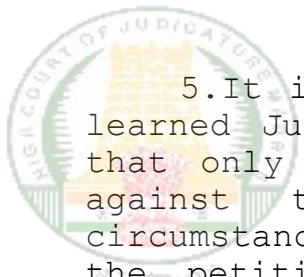
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 26.06.2018 for the offences punishable under Sections 6, 5(1) and 5(n) of Protection of Children from Sexual Offences Act (POCSO) 2012, in Crime No.8 of 2018 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The case of the prosecution is that the victim is aged about 15 years. The petitioner herein is a maternal uncle of the victim girl. In the year 2016, the marriage proposal has been made between the petitioner and the victim girl. Thereafter, the petitioner had sexual intercourse with the victim girl on many occasions. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the victim girl has been produced before the learned Judicial Magistrate, Pattukkottai. The statement of 164(5) Cr.P.C has been recorded, in which, she denied the entire allegations. She stated that only on instigation of the teacher, she signed in the complaint. Therefore, the entire allegations are false and no such occurrence had happened. He further submitted that the petitioner is in judicial custody from 26.06.2018 onwards. Hence, he prays for grant of bail to the petitioner.



5.It is seen from the Statement of 164 Cr.P.C recorded by the learned Judicial Magistrate, Pattukkottai, the victim girl stated that only on instigation of her teacher, she lodged a complaint against the petitioner. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. 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 Sessions Judge/Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur.

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

sd/-
06/08/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL SESSIONS JUDGE/MAHALIR NEETHIMANDRAM
(FAST TRACK MAHILA Court) THANJAVUR.

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

3.THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.S.DEENADHAYALAN Advocate SR.No.15170

ORDER
IN
CRL OP(MD) No.13938 of 2018
Date :06/08/2018

TK/PN/SAR.1/06.08.2018/2P-6C