



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22455 of 2018

DHANAPANDI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
ANDIPATTI, THENI DISTRICT.
CRIME NO.759 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.KRISHNAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole Accused, who was arrested and remanded into judicial custody by the respondent police on 25.11.2018, for the offences punishable under Sections 294(b), 506(i) and Section 12 of Protection of Child from Sexual Offence Act, 2012 in Cr.No.759 of 2018, seeks bail. The petitioner is now confined at Borstal School, Melur.

2.The case of the prosecution is that the petitioner and the victim are residing in the same area. The victim is a 11th Standard school going girl. The petitioner was stalking the victim and shadowing her, wherever, she goes by taking advantage of the fact that the victim's father was posted in a far off place in the Indian Army. When she informed her parents, her parents had gone to the petitioner's place and warned him. Despite the same, he has been continuing to harass the victim. The petitioner had marked the victim's photo along with him and sent through whatsapp, which caused mental depression to the victim and she could not concentrate in her studies. The victim in her 161 Cr.P.C statement given before the Judicial Magistrate, Theni, has reiterated about that.

3. The contention of the petitioner is that he is innocent and he has been falsely implicated in this case. No such occurrence was happened as alleged in the F.I.R.



4. The learned Government Advocate (Crl. Side) would oppose for grant of bail.

5. Considering the same and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner with 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 learned Judicial Magistrate, Andipatti, Theni District and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall stay at Madurai and report before the Anna Nagar Police Station, Madurai daily twice I.e at 10.30 a.m and 5.30 p.m for a period of two weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

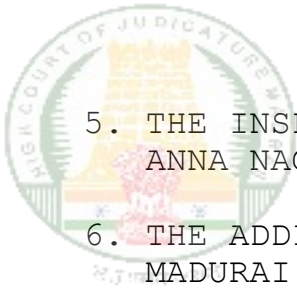
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20/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE, BOASTAL SCHOOL,
MELUR, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
ANDIPATTI, THENI DISTRICT.



5. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

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

+1. CC to Mr.S.KRISHNAN Advocate SR.No.23755

ORDER

IN

CRL OP (MD) No.22455 of 2018

Date :20/12/2018

MS/PN-AC/SAR-3/20.12.2018/3P.8C