



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

Wednesday, the Third day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.17105 of 2018

KATHAR

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DEVATHAMPATTI POLICE STATION,
THENI.
(IN CR NO. 295 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.VIJAYAKUMAR 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 10.08.2018 for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.295 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the victim was a minor and she was studying 7th standard. When she went to the fancy store owned by the petitioner to purchase bangles, she was sexually harassed by the petitioner and he used to do the same harassment daily by giving ten rupees to her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is having fancy store, in which, the de-facto complainant went to purchase the bangles and the complaint has been lodged after one year from the date of alleged offences. He would further submit that the petitioner was in judicial custody from 10.08.2018 and hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner sexually harassed the de-facto complainant, who is aged about 14 years and he vehemently opposed to grant bail to the petitioner.



5. Considering the above facts and circumstances and also considering the period of incarceration undergone by the petitioner from 10.08.2018, 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 Mahila Court, Theni.

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

sd/-
03/10/2018

/ TRUE COPY /

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

TO

- 1 THE MAHILA COURT,
THENI.
- 2 THE INSPECTOR OF POLICE,
DEVATHAMPATTI POLICE STATION, THENI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.VIJAYAKUMAR Advocate SR.No. 88260

ORDER
IN
CRL OP(MD) No.17105 of 2018
Date :03/10/2018

JM/PN/SAR 2/03.10.2018/2P/6C