



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

Wednesday, the Tenth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17681 of 2018

KUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KADAMALAIGUNDU POLICE STATION,
THENI DISTRICT.

(IN CRIME NO. 489 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SENGUTTUARASAN 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 31.08.2018, for the offences punishable under Section 294(b), 294(a), 324, 506(i) of IPC and Section 8 of POCSO Act, 2012 in Crime No.489 of 2018 on the file of the respondent police. He seek bail.

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

3.The case of the prosecution that the victim girl is aged about 17 years, this petitioner went to the defacto complainant's house and threatened her with dire consequences and called her to sexual intercourse.

4.The learned counsel counsel for the petitioner submits that due to the dispute between the petitioner and the defacto complainant's father, the petitioner attacked her father. Due to the drainage water dispute the defacto complainant and his family went to the petitioner's house and scolded them. At that time the petitioner's wife attempted to suicide herself and now admitted in the hospital. On the next day, to escape from the clutches of law, the defacto complainant lodged a false complaint.



5. The learned Additional Public Prosecutor submits that the victim girl is aged about only 17 years and he is awaited for recording statement under section 164 Cr.P.C.

6. It is seen from the FIR, the allegation itself is not in artificial manner and it is also seen that the action of the defacto complainant and her family members scolded the wife of the petitioner and she attempted to suicide and she was admitted in the hospital. Therefore, considering the above facts and circumstances of the case and the period of incarceration by 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 Fast Track Mahila Sessions Court, Theni.

(ii) the petitioner shall report before the respondent policeas and when required for interrogation.

sd/-
10/10/2018

/ TRUE COPY /

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

TO

1. THE FAST TRACK MAHILA SESSIONS JUDGE, THENI.

2. THE INSPECTOR OF POLICE,
KADAMALAIGUNDU POLICE STATION,
THENI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.P.SENGUTTUARASAN Advocate SR.No.19360

ORDER
IN
CRL OP(MD) No.17681 of 2018
Date :10/10/2018