



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

Monday, the Twenty Second day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17600 of 2018

SANTHOSE KUMAR

... PETITIONER / ACCUSED No. 1

Vs

STATE REP BY ITS

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

THENI DISTRICT

(CRIME NO.15 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S. KRISHNAN Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in custody since 21.06.2018 for the offence punishable under Sections 417, 506(i) IPC and Sections 5(1), 5(n) and Section 6 of POCSO Act and subsequently altered into 363, 506(i) IPC and Sections 8, 17 of POCSO Act, 2012 in Crime No.15 of 2018, on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State.

3.The petitioner's earlier Bail Petition was dismissed on 02.08.2018. In the meanwhile, final report has been filed and the matter has been taken on file by the Mahila Court. P.W.1 as well as the victim have been examined. It appears that the victim does not depose as per the earlier stand. Taking note of this aspect, bail is granted.

4.The learned counsel for the petitioner undertakes that the petitioner will appear twice a day before the respondent police daily at 10.30 am., and 06.00 pm., and that he would not apply for relaxation of the condition, till the trial is over.



5. This Court is inclined to grant bail to the petitioner, but with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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 Mahila Court, Theni District.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 am., and 06.00 pm.

(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 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]**.

sd/-
22/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
MAHILA COURT, THENI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
1. CC to MR.S. KRISHNAN Advocate SR.No. 19974

ORDER
IN
CRL OP(MD) No.17600 of 2018
Date :22/10/2018