



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

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2143 of 2018

ANANTHA BABU

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.7 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.M.S.JEYAKARTHIK Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused Rank not known, who was arrested and remanded to judicial custody on 24.12.2017 for the alleged offences punishable under Section 363 of IPC., and Section 4 of POCSO Act, in Crime No.7 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner's house and the defacto complainant's grandmother's house are the adjacent house. Whenever, the defacto complainant went to her grandmother's house, the petitioner and the defacto complainant developed friendship between them, taking advantage of the friendship, the petitioner proposed his love with the defacto complainant. In these circumstances, on 22.12.2017, the petitioner kidnapped the defacto complainant and had intercourse with her. Hence, the case has been registered against the petitioner for the above said crime and he was arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that because of love affair with the petitioner, the defacto complainant voluntarily came out from her home. He further added that the petitioner is in judicial custody from 24.12.2017. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner kidnapped the victim girl, who is aged about 17 years at the time of occurrence. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner being the neighbour to the victim girl committed the offence without getting any consent from the victim girl. As of now, medical examination of the victim girl was completed. Further, the petitioner was remanded to judicial custody from 24.12.2017, thereby, he is in the judicial custody for the past 51 days. Accordingly, considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation. However, considering the nature of offence committed by the petitioner, this Court is inclined to grant bail subject to some stringent conditions. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram;
- (ii) the petitioner shall stay at Salem and report before the Salem Town Police Station, daily at 10.30 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
12/02/2018

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.

2 THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
SALEM TOWN POLICE STATION, SALEM.

4 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.2309

ORDER

IN

CRL OP(MD) No.2143 of 2018

Date :12/02/2018

MKV-CM-VR-SAR 4/12.2.2018/3P-7C