



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1339 of 2019

MOHAMED FASIL

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
CRIME NO.541 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.RAJAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

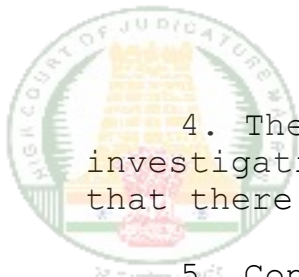
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 02.12.2018 for the offences punishable under Sections 354(d) IPC r/w.Section 12 of POCSO Act 2012 in Crime No.541 of 2018, on the file of the respondent police, seeks bail.

2. The victim girl is studying 10th standard. The case of the prosecution is that the petitioner herein used to go to school by an auto, by that time the petitioner herein who is the driver in the said auto had taken photos of the victim girl in his mobile phone and forced to marry her. When the victim has complained to her parents the petitioner threatened that her photos will be uploaded in the social media Thereafter the victim was sent to school in another auto and on one day when the victim was dropped in a place, the petitioner herein followed her and asked her to marry her. Thereafter the village elder rescued her and then the victim was sent to her house. Thereafter the parents of the victim lodged a complaint before the respondent police.

3. The learned counsel for the petitioner would submit that the petitioner had some dispute with regard to the payment of auto charges with the defacto complainant and he has been falsely implicated in this case. He would further submit that he has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl.Side) would submit that investigation in this case is pending and he would further submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 Mahila Judge (Fast Track), Theni and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for period of two weeks and thereafter as and when required for interrogation.

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

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/01/2019

/ TRUE COPY /

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

TO

1. THE MAHILA JUDGE (FAST TRACK), THENI.
2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.G.RAJAN Advocate SR.No.1645

ORDER IN

CRL OP(MD) No.1339 of 2019

Date :29/01/2019