



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.145 of 2019

K.BHARATHI @ BHARATHIDASAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI,
NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
IN CRIME NO. 145 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.GANGAI AMARAN Advocate

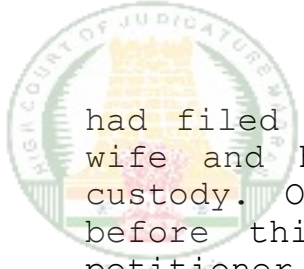
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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 31.10.2018 for the offences punishable under Sections 294(b), 342,323, 506(i), 354 and Section 12 of POSCO Act in Crime No.145 of 2018, on the file of the respondent police, seek bail.

2. The defacto complainant is none other than the minor girl of Chitra. The said Chitra was married to one Gnanasekaran who was working in Indian Army in Jammu and Kashmir and the said Chitra was working as a tailor. The case of the prosecution is that the said Chitra was having illicit relationship with the petitioner and the petitioner is said to have visited Chitra frequently. On 29.09.2019 when both the petitioner and the defacto complainant were in compromising position the defacto complainant is said to have witnesses the same. Thereafter coming to know about it the defacto complainant was tortured and harassed. Further the defacto complainant states that this petitioner used to touch the body with sexual intention. The defacto complainant and her sister were living separately along with the first accused. Thereafter the victim had informed the same to her father and the complaint was given to the respondent police. In the meanwhile the victim's father



had filed petitioner in HCP(MD) No.1501 of 2018 alleging that his wife and his minor daughter were kidnapped and kept in illegal custody. On 30.10.2018 both his wife and daughter were produced before this Court and the minor girl was handed over to the petitioner and the said Chitra being major was not willing to go with her husband. 164 Cr.P.C statement of the victim was produced before the Court. On persual of the statement it reveals that there is some illicit relationship between the petitioner and the said Chitra.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is over and charge sheet has been filed before the Mahila Court, Pudukottai.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that charge sheet has been filed, 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) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (Mahila Court), Pudukottai, and on further condition that:

[a] the petitioner shall report before Sessions Court on every Monday at 10.30a.m until further orders.

[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/-

07/01/2019

/ TRUE COPY /

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
(MAHILA COURT), PUDUKOTTAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI,
NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL,
PUDUKKOTTAI.

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

+1. CC to Mr.C.GANGAI AMARAN Advocate SR.No.260

ORDER

IN

CRL OP(MD) No.145 of 2019

Date :07/01/2019

MS/VR/SAR-4/07.01.2019/3P.6C