



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

Monday, the Fourth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1821 of 2019

BALAMURUGAN

... PETITIONER / ACCUSED NO.6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME.NO.6/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.PRAKASH Advocate

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

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

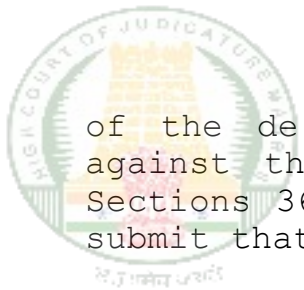
ORDER : The Court Made the following order :-

The petitioner, who was arrested on 06.06.2018 for the offences under Sections 366 of IPC and 5(g) and 6 of POCSO Act in Crime No.6 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that on 28.05.2018, at 07.00 p.m., the victim girl went along with her mother in order to see her paternal uncle, who was taking treatment in the Ramanathapuram Government Hospital. At that time, the petitioner along with other accused persons came by an auto and kidnapped the victim girl and committed rape. Thereafter, on 06.06.2018, the victim girl lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the entire prosecution case is false. The allegation of the petitioner is that the victim girl went along with her mother and she was kidnapped and committed rape. Though the alleged occurrence took place on 28.05.2018, no one filed complaint on the day of occurrence. However, they filed a complaint only on 06.06.2018. There is no proper explanation for delay in lodging the First Information Report.

4.The learned Additional Public Prosecutor would submit that there is no delay in filing the First Information Report on the part



of the de facto complainant. However, the case was registered against the petitioner and other accused for the offences under Sections 366 of IPC and 5(g) and 6 of POCSO Act. He would further submit that investigation is pending.

5. Considering the nature of the case and considering the fact that the alleged occurrence took place on 28.05.2018, however, the First Information Report was registered on 06.06.2018 and there is no proper explanation for delay in filing the First Information Report and considering the period of incarceration, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2019

/ 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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT .

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1. CC to MR.A.UTHAYAKUMAR Advocate SR.No.2275

PS/PN/SAR-4/04.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.1821 of 2019

Date :04/02/2019