



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

Thursday, the Seventh day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.1994 of 2019

PRABHU

... PETITIONER / ACCUSED

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.168/2016

... RESPONDENT / COMPLAINANT

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

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

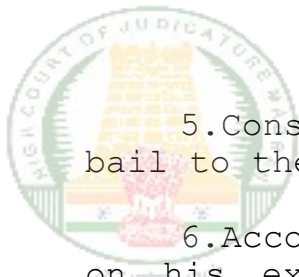
ORDER : The Court Made the following order :-

The petitioner who was arrested on 31.01.2019 for the offence under Sections 366 (A) of IPC and Section 6 r/w 5(1) of Protection of Child from Sexual Offences Act 2012, in Cr.No.168 of 2016 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Section 366 (A) of IPC and Section 6 r/w 5(1) of Protection of Child from Sexual Offences Act 2012. Subsequently, the petitioner was enlarged on default bail by the concerned lower Court. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner on 09.01.2019 for his non appearance and the Non Bailable Warrant was executed on 31.01.2019.

3.The learned counsel appearing for the petitioner would submit already the petitioner was enlarged on default bail by the concerned lower Court, however, due to ill health, he was unable to appear before the lower Court on that day. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor submits that except this case, the petitioner has no other previous cases. Hence, in the event of the petitioner being enlarged on bail stringent conditions may be imposed on him.



5.Considering the nature of the case, 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 District Sessions Judge, Fast Track Mahila Court, Sivagangai 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 learned District Sessions Judge, Fast Track Mahila Court, Sivagangai, 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/-

07/02/2019

/ TRUE COPY /

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

TO

1. THE DISTRICT SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.
2. THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.BALAMURUGAN Advocate SR.No.2560

ORDER IN

CRL OP(MD) No.1994 of 2019

Date :07/02/2019