



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3281 of 2019

RAJAMANICKAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAYAKKANOR, THENI DISTRICT.
CRIME NO.2/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MANICKAM 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 and remanded into the judicial custody from 01.02.2019 for the offence under Sections 294(b), 506 (i) of IPC and Protection of Child from Sexual Offences Act, in Cr.No.2 of 2019 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is the resident of Ward No.2, Middle Street, Ernampatti, Thammiyanaickanpatti Post, Uthamapalayam Taluk, Theni and the defacto complainant is the Warden of the Government Women's Hostel (M.B.C.), Muthayanchettipatti. On the date of occurrence, while the inmate girls of the hostel have taking bath in the outside tap, the petitioner watching the above bathing and the same was noticed by the defacto complainant and gave the complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Accordingly, he prayed for bail.



4.The learned Government Advocate (Crl. Side) submits that there is no harassment to the girls. The allegation is the petitioner watching the bath taken by the girls in the hostel.

5.Considering the nature of the case 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 Mahila Judge (Additional District and Sessions Judge), Theni 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 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/-

04/03/2019

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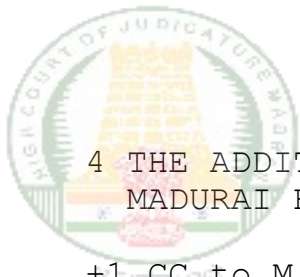
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAYAKKANOR, THENI DISTRICT.

3 THE OFFICER INCHARGE,
UTHAMAPALAYAM SUB-JAIL, UTHAMAPALAYAM.



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

+1 CC to M/s.R.MANICKAM, Advocate (SR-4171[I] dated 04/03/2019)

WEB COPY

ORDER

IN

CRL OP(MD) No.3281 of 2019

Date :04/03/2019

JM/JC/SAR 4/04.03.2019/3P/6C