



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3479 of 2019

NITHIN,

... PETITIONER /SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.04/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.A.S.ALAUDEEN 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 08.01.2019 for the offences under Sections 5(l),6 of POCSO Act and 506(i) of IPC ,in Cr.No.4 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.01.2019, the petitioner came to the house of the defacto complainant and taking advantage of defacto complainant's daughter alone in the house, the petitioner mis behaved with the defacto complainant's daughter. Hence the complaint;.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is the driver in the neighbour house and they both love with each other and thereafter the petitioner came to know that the defacto complainant forced her daughter to file a complaint against the petitioner. , he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that as per 164 Cr.P.C statement the petitioner came to the house of the



defacto complainant at 08.15 and stayed with her upto 09.00, however she did not raised any alarm stating that the petitioner had closed her mouth. He would further submit that investigation is pending.

5. Considering the nature of the case and considering the period of incarceration and also the statement given by the victim in her 164 Cr.P.C statement , I am inclined to grant bail to the petitioner. 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 Additional District and Sessions Judge, Mahila Court (Additional in charge) Pudukottai 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/-

18/03/2019

/ 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 (ADDITIONAL IN CHARGE),
PUDUKOTTAI.

2. THE INSPECTOR OF POLICE,
K. PUDUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.



3. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

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

+1. CC to Mr.S.A.S.ALAUDEEN Advocate SR.No.5063

ORDER

IN

CRL OP (MD) No.3479 of 2019

Date :18/03/2019

AE/PN/SAR-II/18.03.2019/3P/6C