



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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4401 of 2019

DHARMARAJ

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
ARANTHANGI ALL WOMEN POLICE STATION,  
PUDUKKOTTAI DISTRICT.  
(CRIME NO.02 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN 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 :-

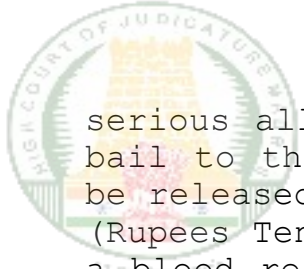
The petitioner who was arrested on 19.01.2019 for the offences under Sections 363 of IPC r/w. Sections 4,17 of POCSO Act 2012 ,in Cr.No.2 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim, who lodged a complaint before the respondent stating that A1 and her daughter were lovers and A1 had taken the victim to the nearby casuarina grove and thereby he have sexual intercourse with her. 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 and he is innocent. He would also submit that the main accused has committed the offence and this petitioner is only friend of A1 Hence he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for respondent did not dispute the fact that submitted by the learned counsel for the petitioner.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that there are no



serious allegations against this petitioner,,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 Mahila Court, 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/-

25/03/2019

/ TRUE COPY /

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

TO

- 1 THE JUDGE,  
MAHILA COURT, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE,  
ARANTHANGI ALL WOMEN POLICE STATION,  
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,  
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate SR-5419

ORDER

IN

CRL OP(MD) No.4401 of 2019

Date :25/03/2019

JM/VR/SAR 1/25.03.2019/2P/6C