



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

Monday, the Twenty Second day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5485 of 2019

VISWANATHAN

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT.
Crime No.4/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR Advocate

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

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

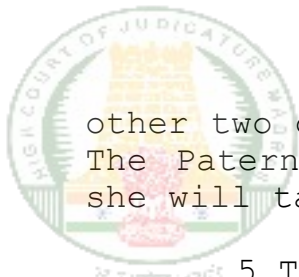
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 22.03.2019 for the offences punishable under Sections 376, 323 of IPC and Section 6 r/w.5(n), 21(1) of Protection of Children from Sexual Offence Act 2012, in Crime No.4 of 2019, on the file of the respondent police, seeks bail.

2.The victim has no parents and she is living with his grand mother. The petitioner herein is the paramour of his grand mother and he used to attack the victim, for which she had taken asylum with her mother's sister husband in the maternal uncle house, thereby the maternal uncle mis-behaved with the victim, thereby she filed a complaint before the respondent police.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution, infact the petitioner warned the defacto complainant for which she filed a false complaint, implicating the petitioner herein as a accused. Accordingly, he prayed for bail.

4.Today the Child Welfare Officer as well as the parental aunt of the victim were present before this Court. The Child Welfare Officer reported before this Court, that the victim is safe custody in the home and also reported that they are taking steps to save



other two childrens and admit them in the childrens home in future. The Paternal aunt of the victim undertook before this Court, that she will take care of the victim.

5. The learned Additional Public Prosecutor appearing for the state would submit that investigation is pending.

6. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that there no serious allegations against the petitioner and also considering the fact, that the victim is in safe custody in the home, this Court is inclined to grant bail to the petitioner.

7. 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 Judicial Magistrate, Valliyoor, Tirunelveli on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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/-
22/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.6991

ORDER

IN

CRL OP(MD) No.5485 of 2019

Date :22/04/2019

TK/PN/SAR-3/22.04.2019/3P/7C