



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5772 of 2019

THANGAPANDI

... PETITIONER / SINGLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BODINAYAKANUR TALUK POLICE STATION,
THENI DISTRICT.
Crime No.193 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.K.MANICKAM Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

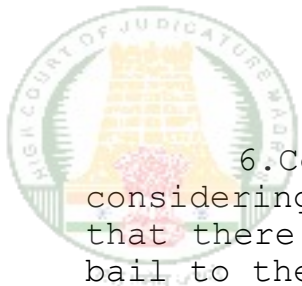
The petitioner, who was arrested and remanded to judicial custody since 30.03.2019 for the offences punishable under Sections 366 IPC r/w.Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 193 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant daughter had love affair with the petitioner and on 29.03.2019 the petitioner herein kidnapped the defacto complainant's daughter. Hence, the complaint.

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.

4. Today the defacto complainant's daughter/victim appeared before this Court and stated that they both loved each other and there is no sexual harassment.

5.The learned Government Advocate (Crl.Side) would submit that since the victim girl has denied the sexual harassment, this Court may pass appropriate orders.



6. Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that there is no sexual harassment, this Court is inclined to grant bail to the petitioner.

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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 Fast Track Mahila Judge, Theni and 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 as and when required for interrogation;

(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/-
25/04/2019

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



TO

1. THE FAST TRACK MAHILA JUDGE,
THENI.

2. THE INSPECTOR OF POLICE,
BODINAYAKANUR TALUK POLICE STATION,
THENI DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

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

+1. CC to Mr.A.K.MANICKAM Advocate SR.No.7188

ORDER
IN
CRL OP(MD) No.5772 of 2019
Date :25/04/2019

TK/MMS/SAR-2/25.04.2019/3P/6C