



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

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5844 of 2019

MANIKANDAN

... PETITIONER/ ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KURANGANI POLICE STATION,
THENI DISTRICT
Crime No.9/2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SABBANI KARBURA JOTHI 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 14.03.2019 for the offences punishable under Section 5(i)(ii) 5(n), 6 of POSCO Act Crime No. 9 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the brother-in-law of the victim girl, already he married the victim girl sister and thereafter she had sexual intercourse with the victim girl and she got pregnant. After DNA it is confirmed that he is the biological father. 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. He would also submit that with the consent of the petitioner's wife sister, it was happened and he is in custody for more than 35 days.

4. The learned Government Advocate (Crl.Side) would submit that investigation is almost completed.



5. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is 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 Fast Track Mahila Court, Theni District 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 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/-
26/04/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,

<https://hcservices.courts.gov.in/hcservices/>
THENI DISTRICT.



2. THE INSPECTOR OF POLICE,
KURANGANI 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 M/S.S.SABBANI KARBURA JOTHI Advocate SR.No.7313

ORDER

IN

CRL OP (MD) No.5844 of 2019

Date :26/04/2019

TK/PN/SAR-3/26.04.2019/3P/6C