



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6448 of 2019

MURUGANANTHAM

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKKTTAI, THANJAVUR DISTRICT.
CRIME NO.11 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.VENKATESHWAR, 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 10.04.2019 for the offences punishable under Sections 6,5(j)(ii) and 5(1) of POCSO Act Crime No. 11 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant made a complaint against one Manikandan, as if he had sexual intercourse with her and a child was born and thereafter inorder to identify the biological father of the child, DNA was conducted which proved negative and the petitioner herein was responsible for the child. Hence the complainant..

3.The learned for the petitioner would submit that the petitioner herein is the maternal uncle of the defacto complainant and earlier marriage of the petitioner is not in good terms and the wife of the petitioner deserted him and living separately in the parents house and now ready to take care of the child and the defacto complainant after completing the legal formalities.

4.The learned Additional Public Prosecutor would submit that investigation is almost completed and the petitioner may be directed to co-operate for enquiry.



5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the petitioner has come forward to take care of his child and wife, 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, Thanjavur 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/-

30/04/2019

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

TO

1. THE JUDGE, FAST TRACK MAHILA COURT, THANJAVUR.
2. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PATTUKKTTAI, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.VENKATESHWAR Advocate SR.No.7902

ORDER IN

CRL OP(MD) No.6448 of 2019

Date : 30/04/2019