



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

**The Hon`ble Mr Justice B.PUGALENDHI**

**CRL OP (MD) No.6804 of 2019**

SURYA

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE  
ALLINAGARAM POLICE STATION,  
ALLINAGARAM,  
THENI DISTRICT  
(CR.NO.85/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.SEEMARAJ, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.02.2019 for the offences punishable under Section 6 of the Protection of Children from Sexual Offences Act and in Crime No.85 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.K.Seemaraj, learned counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the *de facto* complainant is the second wife of one Gopalakrishnan. Nithishwaran, aged 10 years and Harini Priya, aged 9 years are the children of Gopalakrishnan and his first wife. On 19.02.2019, when the *de facto* complainant along with her husband left to the hospital, leaving Harini Priya at home, the petitioner, who is the neighbour, has sexually harassed the victim girl. The petitioner was arrested on 23.02.2019 and the investigation in this case was also completed and the final report was also filed. The final report was taken on file by the concerned Mahila Court.



4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 23.02.2019 and he is languishing in the jail for the past 82 days.

5.The learned Government Advocate (Crl. Side) vehemently opposes for the grant of bail as the petitioner is involved in the act of child abuse.

6. Taking into consideration of the fact that the petitioner has already suffered incarceration for more than 82 days and the final report has already been filed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the Additional District and Sessions Judge, Mahila Fast Track Court, Theni and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall appear before the concerned Magistrate Court daily at 10:30 a.m.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-  
15/05/2019

/ TRUE COPY /



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
MAHILA FAST TRACK COURT, THENI

2. THE INSPECTOR OF POLICE  
ALLINAGARAM POLICE STATION, ALLINAGARAM,  
THENI DISTRICT

3. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI

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

+1. CC to M/S.K.SEEMARAJ Advocate SR.No.8310

ORDER

IN

CRL OP(MD) No.6804 of 2019

Date :15/05/2019

STS

PK/VR/SAR-2/17.05.2019 : 3P/6C