

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Sixteenth day of May Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7158 of 2019

RETHISHKUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
IN CRIME NO. 33 OF 2019,
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.RAJAMOHAN 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/Accused No.1, who was arrested and remanded to judicial custody on 27.02.2019 for the offences punishable under Sections 341 and 506(i) I.P.C. and Section 8 of POCSO Act in Crime No.33 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.R.Rajamohan, 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 petitioner along with other accused molested the defacto complainant's daughter. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 27.02.2019 and he is languishing in the jail for the past 77 days.

5.The learned Government Advocate (Crl.Side) would submit that the substantial portion of the investigation has been completed.

6. Taking into consideration of the fact that the substantial portion of the investigation is completed and the petitioner has already suffered incarceration for more than 77 days, 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 learned Judge, Additional District Mahila 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 report before the respondent police daily twice at 10:30 a.m., and 05.30 pm., until further orders;
- [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 abscond, 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/-
16/05/2019

/ TRUE COPY /

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

TO

- 1 THE JUDGE,
ADDITIONAL DISTRICT MAHILA COURT,
THENI.
- 2 THE SUB INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJA MOHAN, Advocate (SR-8592[I] dated 16/05/2019)

ORDER
IN
CRL OP(MD) No.7158 of 2019
Date :16/05/2019