

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7615 of 2019

PERIYAKARUPPAN

... PETITIONER /SINGLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

(CRIME NO. 133 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.K.MANICKAM Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who are arrayed as accused, was arrested and remanded to judicial custody on 20.03.2019 for the offences punishable under Sections 5 (j) (ii) and Section 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.133 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a minor girl. The petitioner made a false promise of getting marriage with the defacto complainant had sexual relationship with her and due to that she was conceived. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his names has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 20.03.2019. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State submitted that the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

6. Considering the fact and circumstance of the case and considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Fast Track Mahila Judge, Theni.

(ii) 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.

(iii) the petitioner shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station, Trichy, daily at 10.00 a.m., until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) 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.

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE FAST TRACK MAHILA JUDGE,
THENI.

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

3. THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.

4. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

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

+1 CC to Mr.A.K.MANICKAM, Advocate (SR-8804[I] dated 29/05/2019)

dss/ksa

AE/MMS/SAR-IV (30.05.2019) 3P 7C

ORDER
IN
CRL OP(MD) No.7615 of 2019
Date :29/05/2019

सत्यमेव जयते

WEB COPY