



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 13/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7852 of 2019

Gowtham

... Petitioner/ Accused

Vs

State Rep.by

The Inspector of Police,,
Sanarpatti Police Station,

Dindigul District.

Crime No.183/2019.

... Respondent/Complainant

For Petitioner : M/s.S.Sarvagan Prabhu, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

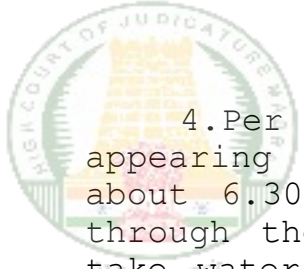
For Bail in Crime No.183/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Sole Accused seeking bail for the alleged offence punishable under Sections 7 & 8 of protection of Children From Sexual Offence Act (POCSO Act), in Crime No.183 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that on 10.05.2019 at about 6.00 p.m., due to quarrel with regard to pathway, the defacto complainant and two others assaulted the step mother of the petitioner namely Janaki and she was admitted in the government hospital, Dindigul and hence, she preferred a complaint before the police. He further submitted that only with a view to escape from the said case, as an after thought, the defacto complainant gave a false case against the petitioner. He further submitted that the petitioner is in custody from 11.05.2019, and therefore, he prayed to grant bail to the petitioner.



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that on 09.05.2019, at about 6.30 p.m., when the victim girl aged about 12 years, went through the house of the petitioner, the petitioner asked her to take water from his house and when the victim girl went into the petitioner's house a he petitioner closed the door and attempted to sexually abuse her. The victim girl escaped from the said place and informed to her mother. Hence, a complaint was lodged on 10.05.2019, at 1.00 p.m. He further submitted that on 11.05.2019 itself, the Inspector of Police submitted a requisition to the learned Judicial Magistrate, No.III, Dindigul, to record the statement under Section 164 Cr.P.C. But sofar, the said Magistrate has not taken any steps for recording the statement. He further submitted that investigation is still pending and hence, he strongly opposed this petition.

5.Taking into consideration of the submission made by the learned counsel for the petitioner that already the petitioner's step-mother was admitted in the hospital and gave a complaint against the defacto complainant as she was assaulted and also the fact that for the occurrence said to have been taken place on 09.05.2019 at 6.30 p.m., the complaint was lodged only on 10.05.2019 at 1.00 p.m., and also the fact that the learned Additional Public Prosecutor has submitted that even on 11.05.2019, the respondent police submitted a requisition before the learned Judicial Magistrate, No.III, Dindigul, to record statement under Section 164 Cr.P.C from victim but he has not produced any copy of the said requisition and also the fact that the petitioner is in custody from 11.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a]the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Mahila Judge, Dindigul District.

[b]the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/06/2019

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

TO

1. THE JUDICIAL MAHILA JUDGE, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL DISTRICT.
4. THE INSPECTOR OF POLICE,
SANARPATTI POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.SARVAGAN PRABHU Advocate SR.No.9580

ORDER
IN
CRL OP(MD) No.7852 of 2019
Date :13/06/2019

MS/VR/SAR-3/13.06.2019/3P.7C