



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

Monday, the Seventeenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8159 of 2019

MUTHU LAKSHMI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI,
MADURAI DISTRICT,
CRIME NO. 454 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MATHVA SELVAM Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

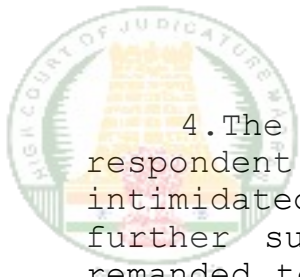
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petition has been filed by Accused No.2 seeking bail for the alleged offence punishable under Sections 363 and 366 (A) of the Indian Penal Code and Section 5 (1), 6 of Protection of Children From Sexual Offences Act, 2012, in Crime No.454 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in this case. He further submitted that even as per the FIR, on 08.05.2019, the defacto complainant's daughter has not come to her home till night. Hence, the defacto complainant and his family members searched her in relative houses. At this juncture, on 09.05.2019, the first accused contacted the defacto complainant through phone and said that his daughter is in his house. Thereafter, the defacto complainant tried to contact the first accused, he was not reachable. Therefore, the defacto complainant lodged a complaint before the respondent police. He further submitted that A1 & A2 is the parents of A3 and A1/father is a blind. The petitioner is in custody for the past 34 days from 13.05.2019 onwards. He further submitted that the main allegation is only against A3. He was already arrested and remanded to judicial custody and therefore, he prayed to grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the accused persons criminally intimidated the defacto complainant's daughter in their house. He further submitted that the accused No.3 is already arrested and remanded to judicial custody and the defacto complainant's daughter was secured from the accused house. There is no previous case is pending against the petitioner.

5.Taking into consideration of the fact that the petitioner is in custody for the past 34 days and also the fact that the main allegation is only against A3, 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) with two sureties each for a like sum to the satisfaction of the learned Sessions Court, Mahila Neethimandram, Madurai.

[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.

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sd/-

17/06/2019

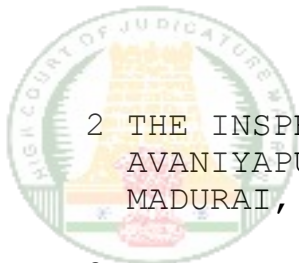
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE,

<https://hcservices.ecourts.gov.in/hcservices/>
MAHILA NEETHIMANDRAM, MADURAI.



2 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
MADURAI CENTRAL JAIL FOR WOMEN,
MADURAI.

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

+1. CC to M/S.R.MATHVA SELVAM Advocate SR.No. 9811

ORDER

IN

CRL OP (MD) No.8159 of 2019

Date :17/06/2019

JM/VR/SAR 1/17.06.2019/3P/6C