



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

Wednesday, the Nineteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8354 of 2019

1 THIRUPATHI

2 MUNIYASAMY

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI.

(CRIME NO.319 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.SANTHANAM RAJESHKUMAR Advocate

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

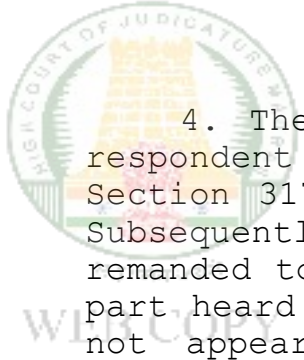
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence punishable under Section 5(1), 6 of Prohibition of Children from Sexual Offence Act, 2012 and 376 if IPC.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the first petitioner and the victim are lovers. The petitioners are innocents and they have not committed any offence, due to misunderstanding, the defacto complainant gave a complaint before the respondent police stating that the petitioners kidnapped the victim. Hence a case has been registered, and charge sheet has also been filed. He further submitted that on 29.05.2019 the petitioners could not appear before the trial court and hence, a petition under Section 317 Cr.P.C was filed, but the trial court has dismissed the said petition and issued NBW and that the NBW was executed on 03.06.2019 and from that date onwards the petitioners are in custody. He further submitted that if the bail is granted, the petitioners would appear regularly before the trial court.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners filed a petition under Section 317 Cr.P.C and the same was dismissed by the trial court. Subsequently, NBW was issued and the petitioners were arrested and remanded to judicial custody on 03.06.2019 and since the case is at part heard stage, if the petitioners are released on bail, they may not appear before the trial court and the trial will not be completed and hence, he opposed this petition.

5. Taking into consideration of the fact that on only one hearing the petitioners not appeared before the trial court and also the fact that to condone their absence a petition under Section 317 Cr.P.C was filed, but the trial court has dismissed the said petition, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his 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 Sessions Judge, Mahila Court, Madurai.

[b] the petitioners shall report before the respondent police , daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[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/-
19/06/2019

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>
THE SESSIONS JUDGE,
MAHILA COURT, MADURAI.



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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.B.SANTHANAM RAJESHKUMAR Advocate SR.No. 9973

ORDER

IN

CRL OP (MD) No.8354 of 2019

Date :19/06/2019

JM/VR/SAR 3/19.06.2019/3P/6C