



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22662 of 2018

SHAGUL HAMEED BADHUSHA

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.335/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.R.SADAGOPAN RENGASAMY Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 03.11.2018 for the offences punishable under Sections 10,12,9(h),9(i) 9(k) of the Protection of Children from Sexual Offences Act 2012 in Crime No.335 of 2018, on the file of the respondent police, seeks bail.

2. The defacto complainant is the mother of the victim. The victim is aged about 6 years. The case of the prosecution is that on 29.10.2018 when the victim was playing in front of the house, the petitioner herein took the victim in his two wheeler and misbehaved with the victim. Thereafter the victim was taken to hospital and found with some abrasion and contusion in her thigh.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is the cousin of the defacto complainant and working in the private company. He would also submit that the victim is not in normal condition and she used to give different versions at different time.



4. Today the defacto complainant appeared before the Court and filed a affidavit before this Court stating that the victim is not a normal child and she used to give different versions at different time. She would also submit that the petitioner is her cousin and he used to take care of her family and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit the petitioner has committed the offence and investigation is almost over.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Ambasamudram and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 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].

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

sd/-
30/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
KADAYAM POLICE STATION, TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.

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

+1. CC to Mr. R. SADAGOPAN RENGASAMY Advocate SR.No.1762

ORDER

IN

CRL OP (MD) No.22662 of 2018

Date : 30/01/2019

TK/VR/SAR-2/30.01.2019/3P/7C