



WEB COPY

CRL OP(MD). No.11425 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11425 of 2019

Vinothkumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Periyakulam Police Station,
Periyakulam, Theni District,
Crime No.7 of 2017

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 7 of 2017 on the file of the respondent police

ORDER : The Court Made the following order :-

The petition has been filed by the sole accused seeking bail for the alleged offence punishable under Section 366 of IPC and Section 6 of the Protection Of Children from Sexual Offences Act, in Crime No.7 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that originally the petitioner was arrested and subsequently he was released on bail. He further submitted that

<https://hcservices.ecourts.gov.in/hcservices/>



since the petitioner was not doing well, he could not appear before the trial Court on 28.06.2018 and hence non-bailable warrant was issued and the said non-bailable warrant was executed and the petitioner was arrested and remanded to judicial custody on 31.01.2019 and from that onwards, he is in custody. He further submitted that if the petitioner is released on bail, he would appear before the trial Court regularly. He further submitted that already 15 witnesses were examined before the trial Court, out of them, the victim girl was examined as P.W.2 and she did not support the prosecution case 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 the petitioner is having totally 8 previous cases under Sections 457 and 380 IPC and if the petitioner is released on bail, he will not appear before the trial Court and therefore, he prayed to dismiss the petition.

5.By way of reply, the learned counsel for the petitioner has submitted that in the previous cases, the petitioner is already on bail and therefore, he prayed to grant bail to the petitioner.

6.Taking into consideration of the fact that the petitioner is in custody from 31.01.2019 and also the fact that when the victim girl was examined as P.W.2 before the trial Court, she has not deposed supporting prosecution case and in other cases, the petitioner is on bail, 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 Fast Track Mahila Judge, Theni.

[[b]the petitioner shall report before the trial Court daily at 10.30.a.m in all working days until further orders.

[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/-
21/08/2019

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

TO

- 1.THE JUDGE.
FAST TRACK MAHILA COURT, THENI.
 - 2.THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
PERIYAKULAM, THENI DISTRICT
 - 3.THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.N.PRAGALATHAN Advocate SR.No.13802

ORDER
IN
CRL OP(MD) No.11425 of 2019
Date :21/08/2019

TK/VR/SAR.2/21.08.2019/3P/6C