



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/08/2019

PRESENT

**The Hon'ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.11900 of 2019

Ajithkumar

... Petitioner/Sole Accused

Vs

The State represented by  
The Inspector of Police,  
Theni Police Station,  
Theni District.  
Crime No.505 of 2019

... Respondent/Complainant

For Petitioner : M/s.B.Jeyakumar,  
Advocate.

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

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

PRAYER :-

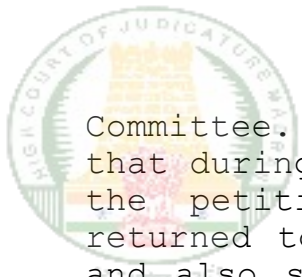
for bail in Crime No.505 of 2019 on the file of the Respondent Police

**ORDER :** The Court Made the following order :-

This petition has been filed by the petitioner/ Sole Accused seeking bail for the alleged offence punishable under Section 366 of IPC and Section 8 of POCSO Act, in Crime No.505 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the First Information Report has been registered based on the complaint given by the Child Welfare Committee. He further submitted that in the FIR it is stated that the victim girl who is aged about 16 years was wandering in the Theni bus stand and the police had noticed her and handed over her to the Child Welfare



Committee. He further submitted that in the FIR it is also stated that during enquiry, the victim girl stated that she went along with the petitioner herein to Veerapandi Temple on 11.05.2019 and returned to Theni Bus stand on 12.05.2019, the petitioner left her and also stated that the petitioner had touched her and also gave kiss and except the said allegation no other allegation has been made in the FIR. He further submitted that the victim girl was produced before the Judicial Magistrate and stated in the statement recorded under Section 164 Cr.P.C and in the said statement she has not stated that the petitioner herein has committed an offence against her. He further submitted that the petitioner has been arrested and remanded to judicial custody on 17.07.2019 and from that date onwards he is in custody. He further submitted that by this time the investigation might have been completed and hence, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor has submitted that the victim girl is aged about 16 years she was under the custody of her grant parents and she was studying 11th standard in a school and she left the house and went with the petitioner. He further submitted that the medical report would show that the petitioner had sexual intercourse with the victim girl and therefore, he strongly opposed this petition.

5.Though in the medical report it is stated that the victim girl already had sexual intercourse but in the statement recorded under Section 164 Cr.P.C, the victim girl has not stated that the the petitioner herein had sexual intercourse with her.

6.Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody from 17.07.2019 and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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 Court of Session Judge, Fast Track Mahila Court, Theni.

[b] the petitioner 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 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 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].

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

sd/-  
27/08/2019

/ TRUE COPY /

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

TO

- 1.THE SESSIONS JUDGE,  
FAST TRACK MAHILA COURT, THENI.
  - 2.THE INSPECTOR OF POLICE,  
THENI POLICE STATION,  
THENI DISTRICT.
  - 3.THE OFFICER INCHARGE,  
SUB JAIL, PERIYAKULAM, THENI DISTRICT.
  - 4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.B.JEYAKUMAR Advocate SR.No.14159

ORDER  
IN  
CRL OP(MD) No.11900 of 2019  
Date :27/08/2019

vsg  
TK/VR/SAR.3/28.08.2019/3P/6C