



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12197 of 2019

Balachandran

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
Crime No.7/2019

... Respondent/Complainant

For Petitioner : M/s.P.Mahendran,
Advocate.

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

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

PRAYER :-

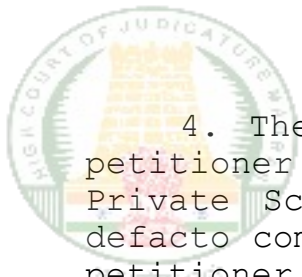
For Bail in Crime No. 7 /2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence under Sections 11(i),11(4) and 12 of POCSO Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 19.06.2019 and he is in custody for the past 72 days. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that petitioner was working as a Physical Education Teacher in Veda Vikas Private School at Salem and misbehaved with the daughter of the defacto complainant. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that investigation in this case is over and charge sheet has been filed before the Mahila Court, Srivilliputhur and the same was taken on file in Spl.S.C.No.45 of 2019.

5. Taking into consideration of the fact that there is no serious allegations against the petitioner and also the fact that there is no physical contact with the victim girl and also the fact that the petitioner is in custody from 19.06.2019 and also the fact that investigation in this case is over and charge sheet has been filed before the Mahila Court, Srivilliputhur and the same was taken on file in Spl.S.C.No.45 of 2019, 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 Mahila Court.

[b] the petitioner shall report before the Mahila Court (Fast Track Mahila Court) Srivilliputhur, Virudhunagar District on all working days at 10.30 a.m 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 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/-
30/08/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
MAHILA COURT, (FAST TRACK MAHILA COURT)
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2. THE OFFICER INCHARGE, SUB JAIL,
SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.MAHENDRAN Advocate SR.No.14536

ORDER

IN

CRL OP(MD) No.12197 of 2019

Date :30/08/2019

MS/VR/SAR-3/30.08.2019/3P.6C