



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

Date : 13/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12720 of 2019

Saravanan @ Saravanakumar

... Petitioner/Sole Accused

Vs

State of Tamil Nadu rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District
(In Crime No.283/2019).

... Respondent/Complainant

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

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.283 of 2019 on the file of the respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is arrayed as sole accused. He was arrested and remanded to Judicial Custody on 23.08.2019, for the offences punishable under Section 363 of IPC r/w Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012, in Crime No. 283 of 2019, on the file of the respondent police. He seeks bail.

3.It is seen that the victim who is said to be the defacto complainant is on the verge of attaining majority. The petitioner's counsel would however claim that she has actually attained majority. It is obvious from the records and on a reading of the First Information Report that the relationship between the petitioner and the victim was consensual. No purpose will be served by keeping the petitioner in continued incarceration.

4.Taking note of the facts and circumstances of this case, I am
<https://hccases.mca.gov.in/hccases/> enlarge the petitioner on bail with certain conditions.



Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 District Sessions Judge, Mahila Court, Tirunelveli.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
13/09/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT SESSIONS JUDGE,
MAHILA COURT TIRUNELVELI
- 2 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate

(SR-15376[I] dated 13/09/2019)

ORDER IN

CRL OP(MD) No.12720 of 2019

Date :13/09/2019

sjj

ES/PN/SAR 4/13.09.2019/2P/6C