



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

Date : 17/09/2019

PRESENT

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

CRL OP(MD). No.12850 of 2019

Babu

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Thenkarai Police Station,
Thenkarai,
Theni District.
(Crime No.269/2019).

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
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.269 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 in custody since 15.08.2019, for the offence under section 12 of the Protection of Children from Sexual Offences Act, in Crime No.269 of 2019, on the file of the respondent police. Hence, he seeks bail.

3.The learned Government Advocate (Crl. Side) submitted that the petitioner is not having any prevision case.

4.The petitioner's counsel on instructions gives an undertaking that after the petitioner comes out on bail, the petitioner will file an affidavit before the Court below giving a solemn undertaking that he will completely keep off the defacto complainant and her family. it is open to the defacto complainant to file a miscellaneous petition before this Court seeking cancellation of



5. Recording the undertaking of the petitioner's counsel given on instructions, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

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(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 Fast Track Mahila Judge, Theni.

(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/-
17/09/2019

/ TRUE COPY /

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

TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, THENI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, THENI.
- 4 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENKARAI, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. N. PRAGALATHAN Advocate SR.No.15575

ORDER

IN

CRL OP(MD) No.12850 of 2019

Date :17/09/2019

IAS

<https://hcservices.gov.in/hcservices> 2019/2P/7C