



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

Date : 24/09/2019

PRESENT

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

CRL OP(MD). No.13309 of 2019

Kubendran

... Petitioner/Sole Accused

Vs

State rep.by  
The Inspector of Police,  
Devaram Police Station,  
Theni District,  
(Crime No. 239 of 2019).

... Respondent/Complainant

For Petitioner : M/s.R.Surianarayanan,  
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.239 of 2019 on the file of the respondent police.

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 09.07.2019, for the offences under section 4 of Protection of Child from Sexual Offences Act, 2012 and Section 506(ii) of I.P.C., in Crime No.239 of 2019, on the file of the respondent police. Hence, he seeks bail.

3.The case of the defacto complainant is that she was in her house on the occurrence date i.e., 07.07.2019, at about 11.00 p.m., the petitioner herein jumped into her house and threatened her and had forcible intercourse with her. However, she would admit that her elder brother aged about 16 years was very much in the house. The version presented by the defacto complainant does not inspire my confidence. However, this observation is made only for the purpose of granting relief in this bail petition and it will not have any bearing on the trial. The petitioner cannot take advantage of this

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4.The petitioner in his bail petition would point out that he hails from Maraveeti village while the occurrence had taken place in Renganathapuram. It is stated that there is a dispute between the two families and that in order to bring pressure on him, this false complaint has been given. The investigation is over and the learned Government Advocate (Crl. Side) submitted that the draft charge sheet is already ready. Taking note of the overall circumstances of the case, 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;

(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 Sessions Judge, Mahila Fast Track Court, 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/-  
24/09/2019

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

TO

- 1 THE SESSIONS JUDGE, MAHILA FAST TRACK COURT, THENI
- 2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE  
DEVARAM POLICE STATION, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate  
(SR-16186[I] dated 24/09/2019)

ORDER IN  
CRL OP(MD) No.13309 of 2019  
Date :24/09/2019

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ES/PN/SAR 4/24.09.2019/2P/6C

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