

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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22688 of 2018

RAMA SUBBU

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO.60/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.T.RAMESH RAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 08.12.2018 for the offences punishable under Section 8 of POCSO Act in Crime No.60 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim here in are school going childrens. On 07.12.2018 during school hours the without going to school while they were roaming near Chithra Library, the petitioner herein who is said to have been standing near had enquired them whether they had lunch and offered to provide them lunch. Thereafter the petitioner had closed the door and touched the private part of the defacto complainant and his friend. Hence a case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is 70% physically challenged person with moving impediment and he is working as a staff in the HR &CE department for the past 20 years. He would also submit that the defacto complainant along with other boys are roaming there for consuming alcohol and when the defacto complainant questioned and threatened them, a false case has been foisted against him.

4. The learned Government Advocate (Crl.Side) would has produced 164 Cr.P.C statement given by the defaco complainant. He would also submit that on reading the statement it is clearly seen that the defacto complainant had committed the offence and the he victim had clearly deposed the act committed by the petitioner. He would also submit that investigation in this case is almost over and charge sheet is yet to be filed.

5. Considering the facts and circumstances of the case and also and also the fact that the petitioner is 70% physically challenged person with moving impediment and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 Fast Track Mahila Court, Kanyakumari at Nagercoil and on further condition that:

[a] the petitioner shall report before the trial court on all hearing dates without fail.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

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

sd/-
28/01/2019

/ TRUE COPY /

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

TO

1. THE JUDGE
<https://hcservices.ecourts.gov.in/hcservices/>
FAST TRACK MAHILA COURT,
KANYAKUMARI AT NAGERCOIL.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

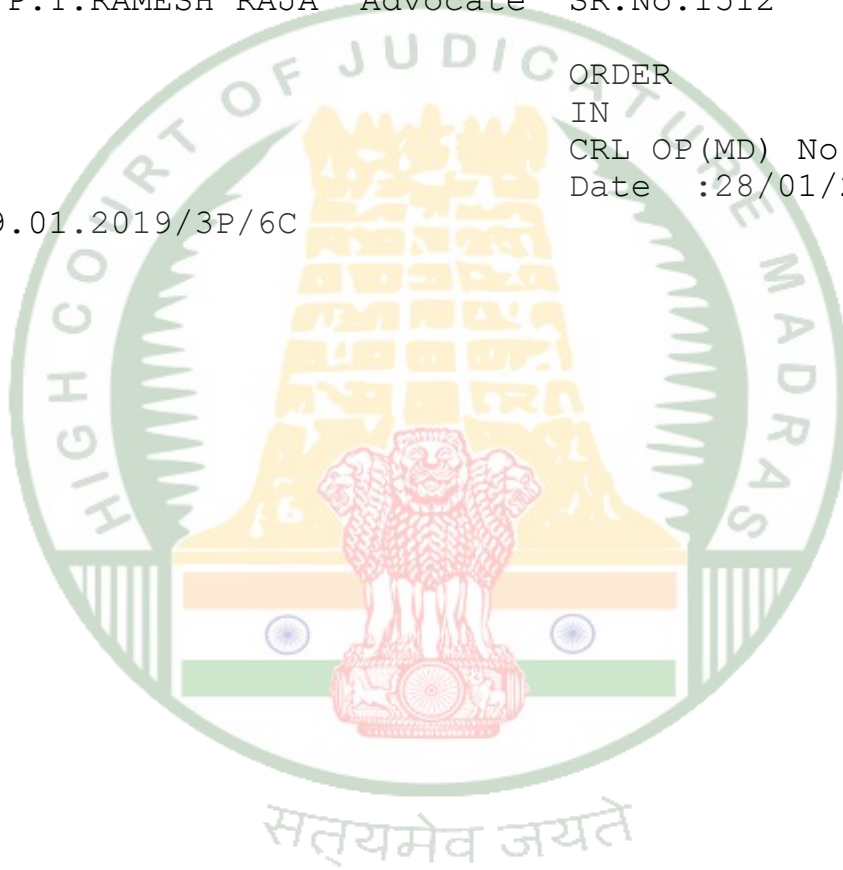
3. THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1. CC to MR.P.T.RAMESH RAJA Advocate SR.No.1512

ORDER
IN
CRL OP(MD) No.22688 of 2018
Date :28/01/2019

AE/PN/SAR2/29.01.2019/3P/6C



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