



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.1910 of 2020

Ayyappan ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District. ... Respondent/Complainant

For Petitioner : M/s.E.V.N.Siva,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1 of 2020 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 18.01.2020 for the offences under Sections 366 of IPC and Section 5(1), 17, 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No. 1 of 2020 on the file of the respondent police. He seeks bail.

3. The primary allegations are only made against the first accused. The petitioner is only said to have arranged a house.

4. The continued incarceration of the petitioner is not warranted. Therefore, 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 learned Special Court for exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil.

(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/-
05/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL JUDGE FOR
EXCLUSIVE TRAIL OF CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.
2. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL, KANYAKUMARI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-2370[I] dated 05/02/2020)

ORDER
IN
CRL OP(MD) No.1910 of 2020
Date :05/02/2020

MS/VR/SAR-1/05.02.2020/2P.6C