



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

Date : 11/02/2020

PRESENT

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

CRL OP(MD). No.2363 of 2020

Velmurugan

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Periyakulam Poice Station,
Theni District.
Crime No.448/2019

... Respondent/Complainant

For Petitioner : M/s.K.Appadurai,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 448/2019 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 20.12.2019 for the offences under Section 366 of I.P.C. and Section 6 of Protection of Child from Sexual Offences Act, in Crime No.448 of 2019 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner's counsel would contend that the relationship between the parties are rather consensual. Though the petitioner's counsel initially submitted that the petitioner was working as servant in the house of the defacto complainant, it is seen that the petitioner is an outsider. I went through the statement of the victim recorded under Section 164 of Cr.P.C. It is seen that she was in love with the petitioner for about 1 ½ years and she voluntarily accompanied with the petitioner. 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 Judicial Magistrate, Periyakulam.

WEB COPY (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/-
11/02/2020

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

TO

- 1.THE JUDICIAL MAGISTRATE, PERIYAKULAM.
 - 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3.THE OFFICER INCHARGE,
DISTRICT PRISON, K.VILAKKU, THENI DISTRICT.
 - 4.THE INSPECTOR OF POLICE,
PERIYAKULAM POICE STATION,
THENI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.APPADURAI Advocate SR.No.2848

ORDER
IN
CRL OP(MD) No.2363 of 2020
Date :11/02/2020

IAS
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