



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

Date : 01/06/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5462 of 2020

(*)Mahesh

... Petitioner/Sole Accused

Vs

The State through
The Inspector of Police,
(*)Alli Nagaram Police Station,
Theni District
In Crime.No.172 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Jerin Mathew,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

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

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 294(b),506(i) of IPC and Section 10 of POSCO Act, 2012.

2. The petitioner herein was arrested on 25.02.2020. The complainant is none other than the wife of the petitioner. The victim girl is his minor daughter. The 164 Cr.P.C Statement of the victim girl has been recorded which indicates that the petitioner used to fall on his daughter in a drunken mood without differentiating his wife and daughter.

3. The learned counsel for the petitioner would submit that there is a matrimonial discard between the petitioner and his wife, hence the present complaint has been given with an ulterior motive.

4. Taking note of the rival submissions and the statement of the victim girl, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Theni;



[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall stay at **(*)Tripur and report before the Plalanjipalayam Police Station** daily at 10.30 a.m until further orders.

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

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

[e] 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].

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

sd/-
01/06/2020

**(*) Amended as per order of the
Hon`ble Court made in Crl.MP(MD)Nos.3213 & 3214 /2020
in Crl.OP(MD)No.5462/2020 dated 12.06.2020**

/ TRUE COPY /

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

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



TO

TO BE SUBSTITUTED THE ORDER COPY ALREADY DEPATCHED.

1. THE JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE OFFICER INCHARGE,
THEKKAMPATTY PRISON,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
(*)ALLI NAGARAM POLICE STATION,
THENI DISTRICT .
4. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.
- (*)5. THE INSPECTOR OF POLICE,**
PLALANJIPALAYAM POLICE STATION,
TIRUPUR.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.5462 of 2020
Date :01/06/2020

AAV
SRS/ JC/ SAR-III/ 01.06.2020/ 3P/6C
SDS/SKN/SAR-III/15.06.2020/3P/7C