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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7358 of 2020

Murugan

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kumbakonam.
(Crime No.03/2020).

... Respondent/Dejuri Complainant

For Petitioner : M/s.R.Prakash,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.03/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 07.04.2020 for the alleged offences under Sections 5(J) (ii), 5L, 5N and 6 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution the One Senthilkumar is said to have sexually assaulted the victim girl who is minor aged about 16 years and had sexual intercourse with her, subsequently she got pregnant. Thereafter the complaint has been given by the mother of the victim and the petitioner herein is arrayed as accused on the ground that he also tried to sexually assault the victim.



3. The learned counsel for the petitioner would submit that the petitioner herein is the father of the victim and he has been falsely implicated in the above case. He would also submit that originally the name of the petitioner was not found place in the First Information Report and only in the statement recorded under Section 164(5) of Cr.P.C the name of the petitioner found place. He would also submit that A1 in this case was released on bail. He would also submit that the petitioner is in jail for nearly 105 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is the father of the victim. Even though his name was not found place in the First Information Report, the petitioner also tried to sexually assault the victim, hence he has been implicated. He would also submit that A1 in this case was released on bail.

5. I have carefully gone through the entire records and perused the statement recorded under Section 164(5) of Cr.P.C.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the name of the petitioner not found place in the First Information Report and also the fact that main accused in this case was released on bail and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

i) 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

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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 *Pradeep Kumar P. vs. State of Kerala* [(2005) AIR SCW 5560].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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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

1. THE JUDICIAL MAGISTRATE No.II, KUMBAKONAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7358 of 2020
Date :24/07/2020

AAV
TE/PN/SAR-II : 24/07/2020 : 3P/6C