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

Date : 21/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10021 of 2020

M.Moorthy @ Vairamoorthy

... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Keeranur Police Station,
Pudukottai District
Crime No. 08/2020.

... Respondent/Complainant

For Petitioner : M/s.A.Azhageson,
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. 08 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 17.08.2020 for the alleged offences under Sections 7 and 8 of the Protection of Child from Sexual Offences Act and Sections 294(b), 354, 506(ii) of IPC and Section 4 of TNPHW Act.

2. The case of the prosecution is that on 17.08.2020 when the defacto complainant and another lady were shepherding cattle at that time A1 and the petitioner herein came there and abused the defacto complainant and also pulled her hand and uttered abusive words against her. Thereafter she left the place and sat in another place. Even at that time the petitioner herein with A1 said to have abused her and quarrelled with her. Hence the complaint.

3. The learned counsel for the petitioner would submit that there was a previous enmity between the petitioner and the defacto



complainant family in a temple festival, due to which a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for nearly one month and even as per the First Information Report there is no sexual assault, hence he may be granted bail.

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4. The learned Additional Public Prosecutor would submit that both A1 and A2 abused the defacto complainant, pulled her hand without any reason and now the defacto complainant and two others have given statement before the learned Judicial Magistrate under Section 167 (5) of Cr.P.C implicating the petitioner herein.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein said to abused the defacto complainant and there is no allegation of sexual assault, and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 Sessions Judge, Mahila Court, Pudukottai.

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 daily at 10.30 a.m until further orders.

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 P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

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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 SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
2. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER IN-CHARGE,
SUB JAIL,
PUDUKKOTTAI.

ORDER
IN
CRL OP(MD) No.10021 of 2020
Date :21/09/2020

AAV
TE/VR/SAR-III : 21/09/2020 : 3P/5C