



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

Date : 19/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.12127 of 2020

Thangapandian

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.
(Crime No.02/2020).

... Respondent/Complainant

For Petitioner : M/s.C.Muthusaravanan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

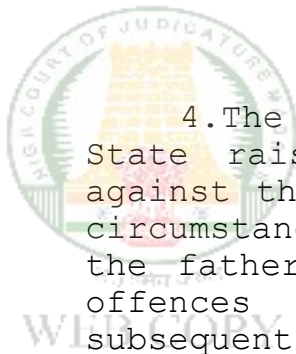
For Bail in Crime No.02 of 2020 on the file of the Respondent Police.

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 arrayed as accused No.4. He was arrested and remanded to judicial custody on 19.08.2020 for the offences punishable under Sections 354A, 354C, 354D, 385, 420, 506(i) I.P.C. and Section 4 of Women Harassment Act and Sections 67E, 67, 67A of I.T. Act @ under Sections 354A, 354C, 354D, 385, 420, 506(i), 294(b), 201 IPC and Section 4 of Women Harassment Act and Sections 67E, 67, 67A of I.T. Act, in Crime No.02 of 2020, on the file of the respondent police. He seeks bail.

3.The learned counsel appearing for the petitioner states that the petitioner is in prison for more than 90 days and final report is yet to filed. In view of the fact that even after completion of 90 days, the respondent police has not filed final report, the petitioner is entitled for default bail.



4.The learned Government Advocate (Crl. Side) appearing for the State raised serious objection by stating that the allegations against the petitioner is serious and in view of complex facts and circumstances, the petition is to be dismissed. The petitioner is the father of A-1, who have allegedly committed series of sexual offences against more than 120 women. A-1 was arrested and subsequently, released on default bail by the Trial Court. The learned Government Advocate (Crl. Side) contended that the investigations are also complicated and the respondent police are also intensively investigating all the issues and they could not able to file the final report on account of vast facts and circumstances.

5.This Court is of the considered opinion that the petitioner undoubtedly is in prison for more than 90 days. Admittedly, the respondent investigating agency has not filed the final report before the Jurisdictional Court within 90 days from the date of arrest of the petitioner, who is arrayed as A-4.

6.Under these circumstances, the petitioner is at liberty to file necessary application before the Jurisdictional Court seeking statutory/default bail and the said Jurisdictional Court, is well within its powers to consider the bail petition on merits and in accordance with law. The said position is well enumerated in the recent Judgment of the Hon'ble Supreme Court of India reported in **2020 (4) CTC 587 [S.Kasi Vs. State Through The Inspector of Police]**.

7.With this liberty, the Criminal Original Petition stands disposed of.

sd/-
19/11/2020

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/ /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

1.THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL



2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
CBCID, NAGERCOIL, KANYAKUMARI DISTRICT.

4.THE OFFICER IN-CHARGE, DISTRICT JAIL,
NAGERCOIL

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12127 of 2020

Date :19/11/2020

sj i

PK/JC/SAR-IV/23.11.2020 : 3P/6C