



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

Date : 23/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12007 of 2020

Sannasi @ Thannasi

... Petitioner/Accused(sole)

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
Crime No.9 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Senthil Kumar,
Advocate.

For Respondent : Mr.R.Erottushamy,
Government Advocate (Crl.Side)

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

PRAYER :-

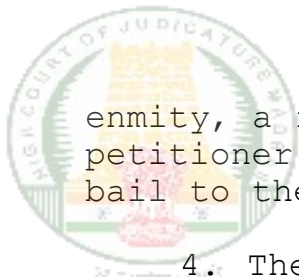
For Bail in Crime No.9 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.10.2020 for the offence punishable under Section 12 of POSCO Act, 2012, on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the victim girl aged about 13 years went to the shop of the accused for purchasing shampoo, she was dragged into his house and he tried to pull her hand. Immediately, the victim girl ran away from his house and thereafter, when it was questioned by the family members of the victim, there was a wordy quarrel between both the family members. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is running a petty shop in front the defacto complainant's house. Due to previous



enmity, a false case has been foisted against the petitioner and the petitioner is in custody from 13.10.2020 and hence, he prayed for bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the victim girl is aged about 13 years. When the victim girl went to the shop of the petitioner to purchase shampoo, she was pulled by the petitioner and tried to make attempt to sexual assault on the victim girl. When his wife reached his house, immediately the victim girl escaped from the hands of the petitioner.

5.He also produced the statement under Section 164 Cr.P.C. It is seen that the petitioner is the sole accused. According to the case of the prosecution, the victim girl is aged about 13 years. The petitioner is running a petty shop in front the defacto complainant's house. On the date of occurrence, when the victim girl went to the shop of the petitioner to purchase shampoo, the petitioner pulled her hands. He also threatened her with dire consequences as if, she reveals any thing to her parents about the occurrence. When the family members of the victim girl questioned by the same, there was a wordy quarrel between them.

6. It is seen that except pulling her hands, there is no other allegation as against the petitioner.

7. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Mahila Court, Theni District.

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 Morning at 10.30 am and Evening at 05.30 p.m for a period of four weeks and thereafter, as and when required.

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/-
23/11/2020

/ 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

- 1.THE JUDGE, MAHILA COURT,
THENI DISTRICT.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12007 of 2020
Date :23/11/2020

DSS
TK/PN/SAR.2/23.11.2020/3P/5C