



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15648 of 2020

Krishanan ... Petitioner/1st Accused

Vs

The State rep. by
The Inspector of Police,
Bodi Town Police Station,
Theni District.
In Crime No 2718 of 2020.

... Respondent/Complainant

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

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime No. 2718 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(Criminal Side) appearing for the respondent.

2. The petitioner is arrayed as Accused No.1. He was arrested and remanded to Judicial Custody on 30.10.2020 for the offences punishable under sections 366 of I.P.C., 9 of Child Marriage Act and 8, 10 of POCSO Act, 2012 in Crime No.2718 of 2020 on the file of the respondent police. He seeks bail.

3.The learned counsel for the petitioner would submit that the petitioner is the sole bread winner of the family. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Since the petitioner is in judicial custody from 30.10.2020, the petitioner is entitled for statutory



4.The learned Government Advocate (Criminal Side) would submit that the investigation has been completed and the charge sheet is yet to be filed.

5.Taking note of the above facts and circumstances of the case and taking into consideration the period of incarceration and also considering the fact that the charge sheet is yet to be filed, this Court is inclined to grant statutory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on statutory bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track), Theni.

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/-
30/12/2020

/ 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



TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK),
THENI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
3. THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-8580[I] dated
30/12/2020)

ORDER
IN
CRL OP(MD) No.15648 of 2020
Date :30/12/2020

TSG
SRS/PN/SAR-III/30.12.2020/3P/6C