



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.370 of 2021

Jayalingam

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli District.
(Crime No.16/2020)

... Respondent/Complainant

For Petitioner : Mr.T.Swathi Sankara Vathanan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.16/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank Not Known, who was arrested and remanded to judicial custody on 21.11.2020 for the offences punishable under Sections 294(b) and 506(ii) of IPC and Section 11 (5) r/w 12 of Protection of Children from Sexual Offences Act, 2012, in Crime No.16 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is adjacent neighbour of the defacto complainant and both of their bathrooms spearately attached with a common wall without covering roof on the topper side. On the date of occurrence, while the victim was bathing in her bath room, the petitioner has taken video through his mobile phone and the same was noticed by the victim girl. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that due to civil dispute, the petitioner has been falsely implicated in this case. He further submitted that the defacto



complainant, in order to stall the betrothal of the petitioner and to spoil his future life, has roped in the petitioner in this case. He further submitted that even cell phone was seized on the same day and the petitioner's mobile phone has not contained any obscene photos or videos, hence, he seeks bail.

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4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner was arrested and cell phone was seized from the petitioner and the same was sent for Forensic Science Department.

5.Taking note of the above facts and circumstances of the case 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.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Tirunelveli.

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 for a period of two weeks and thereafter, 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 P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
20/01/2021

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/ /2021

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.

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TO

1. THE JUDICIAL MAGISTRATE, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUNELVELI TOWN, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC TO Mr.T.Swathi Sankara Vathanan,Advocate, SR NO.362

ORDER
IN
CRL OP(MD) No.370 of 2021
Date :20/01/2021

VSG
MS/PN/SAR-1/20.01.2021/3P.7C