



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

Date : 19/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD) . No.2645 of 2021

WEB COPY

Saravanan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District
Crime No. 2/2021.

... Respondent/Complainant

For Petitioner : M/s.C.Mayilvahana Rajendran,
Advocate.

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

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

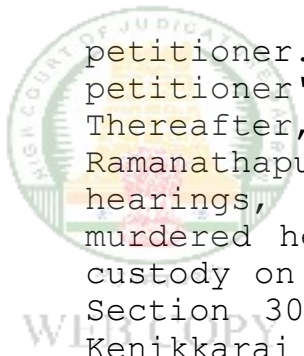
PRAYER :-For Bail in Cr.No.2 of 2021 on the file of the respondent police.

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 was arrested and remanded to Judicial Custody on 25.01.2021 for the offences punishable under sections 9(n) and 10 of Protection of Child from Sexual Offences Act, 2012, in Crime No.2 of 2021 on the file of the respondent police. Hence, he seeks bail.

3. The case of the prosecution is that the victim girl, who is the elder daughter of the petitioner lodged a complaint on 19.01.2021 stating that she along with her sister and brother are living with the petitioner. The petitioner was working as Manager in Senthoor Lodge, Rameshwaram. The petitioner's wife was working as Teacher. When the petitioner and their children were sleeping in their house, the petitioner herein had gone near the victim girl and made a bad touch on her before seven months. At that time, the victim girl pinched her brother, on hearing the crying noise of the son, the petitioner's wife woke up and thereafter, the petitioner moved therefrom. Therefore, she had suspicion about the petitioner's activities and she was away from him. There was misunderstanding between the victim's girl mother and the



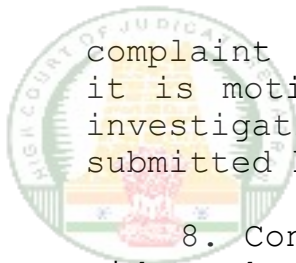
petitioner. The petitioner used to drink everyday. Hence, the petitioner's wife left the matrimonial home along with the children. Thereafter, she filed H.M.O.P.No.51 of 2020 before the Family Court, Ramanathapuram, seeking dissolution of the marriage. On one of the hearings, the petitioner infuriated on the victim girl's mother, murdered her. Hence, the petitioner was arrested and remanded to custody on 22.12.2020 in Crime No.785 of 2020 for the offence under Section 302 of I.P.C., on the file of the Inspector of Police, Kenikkarai Police Station, Ramanathapuram District. The victim girl has now come with the present complaint.

4.The learned counsel for the petitioner submitted that there was misunderstanding between him and his wife. The petitioner's wife had illicit relationship with many persons more particularly with one Karunakaran, who is working as Sub Inspector of Police, K.K.Nagar Crime Branch, Trichy. When it was questioned by the petitioner, she left the matrimonial home along with her children and she lived separately. Since the petitioner could not control his wife, in a fit of rage attacked her. Hence, he was arrested in Crime No.785 of 2020. The petitioner was granted bail by this Court in CrI.O.P.(MD)No.758 of 2021 on 01.02.2021.

5.The petitioner requested his cousin brother namely., Govindan and his friend Kathirvel to meet his children, who were staying with his co-brother namely., Pandi kamai's house. At that the victim girl gave the mobile phone bearing mobile No.93601 88151, which was used by her mother to Govindan to repair the same. It was repaired in Diamond Mobile Shop. It is seen from the mobile that the victim girl was in conversation with one Mani @ Manikandan, who is working in Karur Visa Bank. He further states that it is seen from the audio records and its transcript, it is Mani who tutored the victim girl to lodge the present complaint to escapee from his misdeeds and from clutches of law.

6.The learned Government Advocate (CrI. Side) submitted that the petitioner is an alcoholic. The petitioner in drunken mood misbehaved with the victim girl. When the victim girl informed the same to her mother, it was not accepted by her. The victim girl is aged about 13 years and she is studying ninth standard. He further submitted that the victim girl along with her sister and brother are staying at Gloriya Child Welfare Home, Ramehswaram as inmates.

7.It is seen from the audio records and transcript that the victim girl is in touch with one Mani @ Manikandan, who was enquiring about himself. The victim girl also consciously answer that she would safeguard him and would not reveal his relationship with her mother. In fact, the victim girl is addressing Mani @ Manikandan as her father and herself as his daughter. The said Mani @ Manikandan was having relationship with her mother. The petitioner asked her wife to leave the illicit relationship for the welfare of his children. The petitioner's wife never turned around and when the petitioner questioned the same, she left the matrimonial home. Thereafter filed a petition for divorce. It is seen from the audio records and transcripts that the present



complaint is lodged against the petitioner to create some doubt and it is motivated. The respondent police is directed to do further investigation in respect of the audio clippings and transcripts submitted by the petitioner.

8. Considering the submissions of the learned counsel on either side and taking note of the period of incarceration, I am inclined to enlarge the petitioner on bail with certain conditions. 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 Judicial Sessions Court (Fast Track Mahila Court), Ramanathapuram.

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] Since the petitioner was granted bail by this Court in CrI.O.P.(MD)No.758 of 2021 on 01.02.2021 for Crime No.785 of 2020 with one of the condition that the petitioner shall appear before the Inspector of Police, Kenikkarai Police Station, Ramanathapuram District at 10.30 a.m, until further orders, in this case, the petitioner shall report before the respondent police daily at 05.30 p.m. until further orders and also the petitioner shall not enter the limit of Rameshwarm Island until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

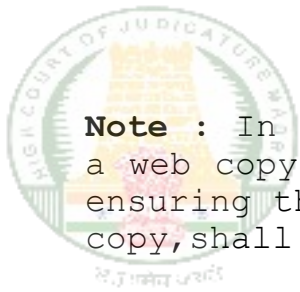
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/02/2021

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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 Sessions Judge (Fast Track Mahila Court),
Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,
Ramanathapuram, Ramanathapuram District.
- 3.The Officer In Charge ,
District Prison,
Ramanathapuram.
- 4.The Inspector of Police,
Kenikkarai Police Station, Ramanathapuram District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) No.2645 of 2021

Date : 19/02/2021

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