



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7368 of 2021

Venkadesh ... Petitioner/Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,
All Women Police Station,
Theni, Theni District.

Crime No. 11 of 2021. ... Respondent/Respondent/Complainant

For Petitioner : Mr.J.Lawrance,
Advocate.

For Respondent : Mr.T. Senthilkumar
Public Prosecutor

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

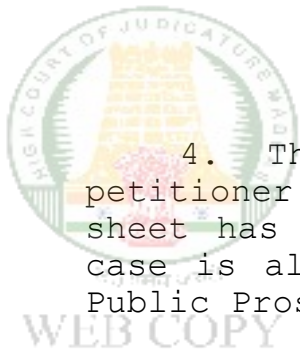
PRAYER :- For Bail in Crime No.11 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to Judicial custody on 30.04.2021, for the offences under Sections 294(b) of IPC and Section 12 of the Protection of Child from Sexual Offences Act, 2012, in Cr.No.11 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused said to have abused the defacto complainant by using odious words and also harassed her by showing obscene gestures.

3.The learned counsel appearing for the petitioner would submit that it is a second bail petition and the earlier petition filed by the petitioner before this Court was dismissed as not pressed on 26.05.2021. He would further submit that the co-accused / A1 was already enlarged on bail on 26.05.2021 in CrI.O.P(MD).No. 6985 of 2021 and the petitioner is in jail from 30.04.2021 onwards and seeks to enlarge him on bail.



4. The learned Public Prosecutor would submit that the petitioner is having two previous cases and that in one case charge sheet has already been filed and the investigation in the present case is almost completed and it is pending for getting opinion of Public Prosecutor.

5. Considering the facts and circumstances of the case and also considering the facts that the petitioner is in custody from 30.04.2021 onwards, that the investigation has already been completed and is pending for the approval of the Public Prosecutor and that the first accused who is shown as main accused was already enlarged on bail and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail immediately on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioner, after his release, shall surrender before the concerned Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 Sessions Judge, Fast Track Mahila Court, Theni.

[a] 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] the petitioner shall appear before the respondent police as and when require for interrogation.

[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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 229-A IPC.

sd/-

08/06/2021

/ TRUE COPY /

/ /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.

TO

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

+1 CC to Mr.J.LAWRANCE, Advocate (SR-3868[I] dated 08/06/2021)

ORDER

IN

CRL OP(MD) No.7368 of 2021

Date :08/06/2021

trp

AE/PN/SAR-1/09.06.2021/3P/6C