



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.8349 of 2021

Rishikesavan

... Petitioner/Single Accused

Vs

State rep.by
The Inspector of Police,
Uthamapalayam A.W.P.S.,
Theni District
(Crime No.5/2021).

... Respondent/Complainant

For Petitioner : Mr.G.Asokan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

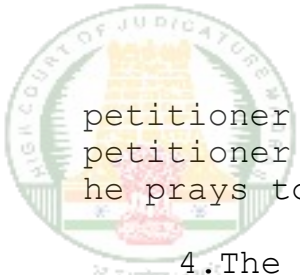
PRAYER :- For Bail in Crime No.5 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.05.2021 for the offences punishable under Section 366 of I.P.C and Section 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.5 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Victim and the petitioner loved with each other. On 13.05.2021, when the complainant's family members came to know the love affairs, they contemned and harassed them and thereafter, he had taken her to the house of the petitioner's grandmother. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim had love affairs and they planned to marry with the blessings of both the parents. On the date of occurrence, the victim voluntarily came to the house of the



petitioner and requested him to stop her marriage arrangements. The petitioner is in judicial custody for the past 44 days. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the so far 7 witnesses were examined and 164 Cr.P.C. Statement was recorded and the investigation is pending. Therefore, he opposes to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that so far 7 witnesses were examined and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimanram (Fast Track Mahila Court), 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 as and when required for interrogation.

iii) the petitioner is directed to deposit a sum of Rs.10,000/- **(Rupees Ten Thousand only) to the credit of Women's Welfare Syndicate in Canara Bank, Nungambakkam Branch, Chennai** (Account No.60182010063310, IFSC Code: CNRB0016018), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/06/2021

/ TRUE COPY /

WEB 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,
MAHALIR NEETHIMANDRAM (FAST TRACK COURT),
THENI.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM A.W.P.S.,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
WOMEN'S WELFARE SYNDICATE,
REGISTERED PUBLIC CHARITABLE TRUST,
FLAT NO.GR.1, CORDDEL APARTMENTS,
O.No.13, N.No.29, PYCROFTS GARDEN LANE,
CHENNAI - 600 006.

+1 CC to Mr.G.ASOKAN, Advocate (SR-4190[I] dated 28/06/2021)

ORDER
IN
CRL OP(MD) No.8349 of 2021
Date : 28/06/2021

MSA
AE/VR/SAR-III/28.06.2021/3P/7C