



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

Date : 30/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12750 of 2021

Ilangamani

... Petitioner/ Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
Crime No.14 of 2021

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.T.Pon Ramkumar
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.14 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested on 30.07.2021 for the offence under Section 448 I.P.C and Section 8 of Protection of Children from Sexual Offences Act, 2012, in Crime.No.14 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.07.2021 when the victim girl was alone at her house, the petitioner trespassed into her house, pulled her hands and hugged her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that due to previous dispute between the petitioner and the defacto complaint and in order to take vengeance, the petitioner was falsely implicated in this case. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He is in judicial custody from 30.07.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police has furnished the statement recorded from the victim under Section 164 Cr.P.C.He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders.

[c] the petitioner shall not tamper with the 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 Judge/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 229-A IPC.

sd/-
30/09/2021

/ 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



TO

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

ORDER
IN
CRL OP(MD) No.12750 of 2021
Date : 30/09/2021

MSA
MS/PN/SAR-2/30.09.2021/3P.6C