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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.12.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20676 of 2021

Kali @ Kaliraj

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.18 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sankar
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

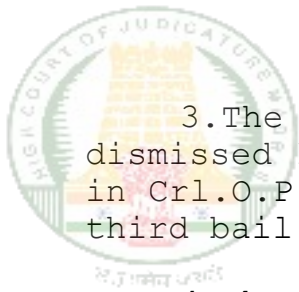
PRAYER :-

For Bail in Crime No.18 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 23.10.2021 for the offence punishable under Section 8 r/w 7 of Protection of Children from Sexual Offence Act, 2012, in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the victim girl, who is aged about 17 and she was studying 12th standard at Madha Matriculation School, Karivalamvandanallur. On 22.10.2021, when the de-facto complainant and her husband had gone to shop for purchasing grocery, the petitioner entered into her house and hugged and touched the victim girl with sexual intention. Hence, this complaint.



3.The earlier bail applications filed by the petitioner were dismissed by this Court vide order dated 29.11.2021 and 13.12.2021 in Crl.O.P. (MD) Nos.18710 and 19733 of 2021 respectively. This is the third bail application filed by the petitioner.

4.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other, that the petitioner was working under the de-facto complainant for some time, that the de-facto complainant and her husband, on coming to know about the love affair, sent out the petitioner, that thereafter, the petitioner and the victim girl were meeting in the temple and that the de-facto complainant and her husband, on coming to know about their meeting, had lodged a false complaint.

5.The learned Additional Public Prosecutor would submit that the investigation is completed and charge sheet has been laid before the jurisdictional Court.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 23.10.2021 and also taking note of the fact that the investigation is completed and charge sheet has been laid before the jurisdictional Court, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.Accordingly, 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, Sankarankovil, Tenkasi District.

(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 trial Court daily at 10.30 a.m., until further orders.

(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/-
23/12/2021

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/ TRUE COPY /

23/12/2021
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 JUDICIAL MAGISTRATE,
SANKARANKOVIL, TENKASI DISTRICT.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARANKOVIL,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SANKAR, Advocate (SR-9682[I] dated 23/12/2021)

ORDER
IN
CRL OP(MD) No.20676 of 2021
Date :23/12/2021