



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

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21291 of 2016

JAGAN @ JAGANNATHAN

... PETITIONER /SOLE ACCUSED

Vs

STATE, REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI
(CRIME NO.5 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.08.2016 for the offences punishable under Sections 5J(ii), 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.5 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant, who is the sister of the victim girl, has preferred the complaint, alleging that the petitioner, on the false promise of marrying her sister / victim girl, had sexual intercourse with her and subsequently, refused to marry her, which resulted in registration of the case.

3. The learned counsel for the petitioner would submit that the victim girl fell in love with the petitioner and eloped with him, due to which, her family excommunicated her and that she has already begotten a female child and is on her family way.

4. Heard the learned Government Advocate (Crl.Side) on the above submission, who would submit that a charge sheet has already been filed before learned Sessions Court (Mahila Court), Pudukkottai.



5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner has been undergoing incarceration since 09.08.2016, this Court is inclined to grant bail to the petitioner. **Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:**

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(i) the petitioner shall 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 Judicial Magistrate, Pudukkottai;

(ii) the petitioner is directed to stay at Vellore and appear before the concerned jurisdictional Court on all hearing dates without fail and except on the hearing dates fixed, he should not be seen in the vicinity of the victim girl or her residence till the case is disposed of;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

6. It is made clear that if the boy takes the victim girl from Pudukkottai to some other place or the victim girl decides to join him before the case is disposed of, the bail granted to the petitioner will be cancelled, if it is brought to the knowledge of this Court.

sd/-

11/11/2016

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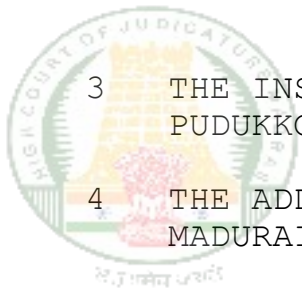
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI



3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PUDUKKOTTAI

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.68019

GJM/SS3/SAR-AE-14.11.16-3P-7C

ORDER
IN
CRL OP(MD) No.21291 of 2016
Date :11/11/2016