



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

Wednesday, the Thirtieth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22343 of 2016

R.MAKESH

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.403/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.H.VELAVADHAS, Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.10.2016 for the alleged offence punishable under Sections 4 and 6 of POCSO Act in Crime No.403 of 2016 on the file of the respondent police, **seeks bail.**

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

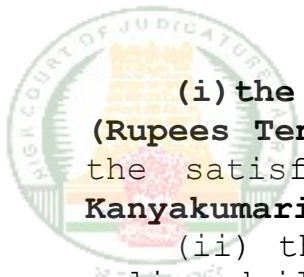
3.The case of the prosecution is that based on the complaint given by the mother of the victim girl, alleging that the petitioner eloped with her minor daughter just prior to one week of her attaining majority on 07.10.2016 and stayed along with her in different places and also had physical relationship with her under the pretext of marrying her, the present case has been registered and the boy was taken to custody.

4.Today, the victim girl appeared before this Court along with the petitioner's mother. When she appeared on the last hearing date, she was a major. Now, it is stated that the petitioner is going to marry the victim girl and the victim girl is also interested in marrying him.

5.The mother of the petitioner has also filed an affidavit,dated 25.11.2016, stating that the victim girl is with her and that the marriage of the petitioner / her son with the victim girl is going to be performed on 06.12.2016.

6. Heard the Learned Government Advocate (Crl. Side) on the above submission.

7. Considering the facts and circumstances of the case and taking note of the fact that petitioner is going to marry the victim girl, **the petitioner is ordered to be released on bail subject to the following conditions:**



(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-I, Eraniel, Kanyakumari District;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. for two weeks and thereafter, as and when required for interrogation;

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

(iii) 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]**.

8. Now-a-days, it is seen that elopement is very common in the society due to the infatuation and when they realize their mistakes, they would have come long way in their life. In Tamil Nadu, most of the lovers are separated on account of different caste, creed, religion etc., and also severe protest they are facing from their parents, which ultimately results in elopement. Because the girl eloped with a boy, it cannot in anyway be construed that she belongs to the lower state of family or she is a bad girl. Pursuant to sudden decision and infatuation, they are compelled to take such a decision.

sd/-

30/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, ERANIEL, KANYAKUMARI DISTRICT.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE OFFICER-IN-CHARGE, DISTRICT JAIL, NAGERCOIL.
- 5 THE INSPECTOR OF POLICE, COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.H.VELAVADHAS, Advocate SR.No.74320.

ORDER IN

CRL OP(MD) No.22343 of 2016

Date : 30/11/2016