



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12132 of 2017

PRAVEENKUMAR

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
CRIME NO.473/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHUSAMY Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

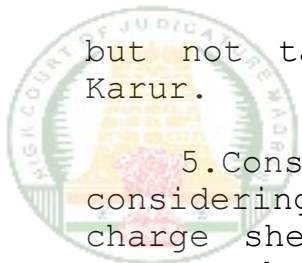
ORDER : The Court Made the following order :-

The petitioner / A1 who was arrested on 25.06.2017 for the offences punishable under Section 5(L) r/w Section 17 of POCSO Act, 2012 in Crime No.473 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1, who is the petitioner herein and the victim girl aged about 17 years loved each other and due to love affairs between them, A1 was taken the victim girl and married her. The petitioner is having physical contact with her several times.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner loved the victim girl for more than 2 years and the victim only demanded for marriage, because her parents has arranged marriage with some other persons. He also submitted that the petitioner is in custody from 25.06.2017 onwards.

4.The learned Additional Public Prosecutor would submit on instructions that totally there are 2 accused in this case and the petitioner is arrayed as A1 and A2 was arrested and released on bail by this Court as per order in Crl.O.P.(MD)No.9600 of 2017, dated 05.07.2017. He further submitted that the earlier bail petition moved on behalf of this petitioner was dismissed by this Court as per order in Crl.O.P.(MD)No.10678 of 2017 dated 17.08.2017. He also submitted that investigation is completed and charge sheet is laid,



but not taken on file by the learned Judicial Magistrate No.I, Karur.

5.Considering the facts and circumstances of the case and considering the fact that investigation has been completed and charge sheet has also been laid, but not taken on file by the concerned Court so far and the period of incarceration of the petitioner in prison from 25.06.2017, 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:

(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 No.I. Karur.

(ii)the petitioner is directed to appear before the learned Judicial Magistrate No.I. Karur daily at 10.30 a.m. until further orders;

(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]**.

sd/-

14/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, KARUR, KARU DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, KARUR
- 3 THE INSPECTOR OF POLICE, PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.
- 4 THE SUPERINTENDENT,CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MUTHUSAMY Advocate SR.No.30763

ORDER

IN

CRL OP(MD) No.12132 of 2017

Date :14/09/2017