



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

Friday, the Sixteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4205 of 2018

R.VIJAY

... Petitioner/Accused No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.
(CR.NO.02 OF 2018).

... Respondent/Complainant

For Petitioner : M/S.KA.RAMAKRISHINAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 18.01.2018 for the alleged offences punishable under Sections 5(1), 6 of POCSO Act., in Crime No.02 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl had love affair with each other. Thereafter, the petitioner gave false promise to marry the victim girl and had forcible sexual intercourse with her, due to which she got pregnant and thereafter the same was aborted. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the victim girl is aged about 17 years and the petitioner/accused is aged about 19 years. He further submitted that 164 statement is also recorded. According to the prosecution, the investigation is in progress.

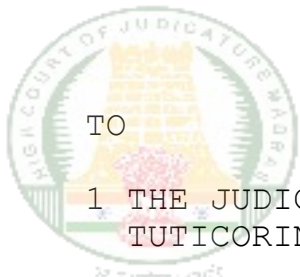
5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner threatened the victim girl and made the offence of forcible penetration. Consequent to the offence committed by the petitioner, the victim girl got pregnant and later, the same has been aborted. The age of the petitioner is 19 years and the age of the victim girl is 17 years. According to the prosecution, before the alleged occurrence, the petitioner and the victim girl are having love affair with each other. Eventhough, the offence committed by the petitioner is grave in nature, considering the fact that the petitioner is in judicial custody from 17.01.2018, this Court came to the conclusion that in order to complete the investigation, further detention may not be necessary. Hence, this Court is inclined to grant bail to the petitioner with some conditions. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tuticorin;
- (ii) the petitioner shall report before the Vellore Town Police Station, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-

16/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III,
TUTICORIN.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE SUPERINDENT,
CENTRAL PRISON, PERAURANI,
TUTICORIN.

4 THE INSPECTOR OF POLICE,
VELLORE TOWN POLICE STATION,
VELLORE.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.KA.RAMAKRISHINAN, Advocate SR.No.4221.

ORDER
IN
CRL OP(MD) No.4205 of 2018
Date :16/03/2018

SDS/MM-PN/SAR.4/16.03.2018/3P/8C