



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

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5459 of 2018

KALIRAJ @ APPU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
AWPS VILATHIKULAM, THOOTHUKUDI DISTRICT.
IN CR.NO.04/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.M.MANIVELLIPANDIAN Advocate

For Respondent : PRABU RAMACHANDRAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

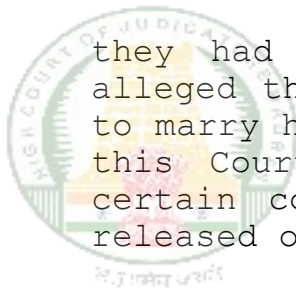
The petitioner is arrayed as sole accused. He was arrested and remanded to judicial custody on 26.02.2018 for the offences punishable under Section 5(1) r/w 6 of POCSO Act 2012, in Crime No.04 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl loved with each other. On December 2017, the petitioner had intercourse with the victim girl forcibly. Therefore, based on the complaint lodged by the victim's mother, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that petitioner is an innocent person and that the petitioner has not committed any offence as alleged by the prosecution and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) has strongly opposed the grant bail to the petitioner on the ground that the petitioner has committed the offence under Section 5(1) r/w 6 of POCSO Act 2012.

5.This Court went through the statement made by the victim before the Judicial Magistrate No.III, Thoothukudi. The victim stated that she is aged 17 years and the petitioner/sole accused is aged about 20 years. It is seen from the said statement, the victim and the petitioner herein loved each other for six months and that



they had consensual sexual relationship. Of course, the victim alleged that the petitioner committed the rape on her by promising to marry her. In view of the consensual nature of the act involved, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vilathikulam.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) 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/-
09/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VILATHIKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER IN CHARGE,
PERAURANI PRISON, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
AWPS VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.M.MANIVELLIPANDIAN Advocate SR.No.5659

ORDER IN
CRL OP(MD) No.5459 of 2018
Date :09/04/2018

MKV-CM-SAR 3/9.4.2018/2P-7C