



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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5500 of 2019

MUTHURAJA

...PETITIONER/SOLE ACCUSED

- Vs -

STATE REP.BY
THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.59 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 20.02.2019 for the offences punishable under Sections 366(A), 493, 506(i) of IPC and Sections 7,8,6,5(1) of Protection of Children from Sexual Offences Act, 2010 in Crime No.59 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint against the accused stating that while the victim girl had love affair with the second accused, the first accused posted a video clippings, thereby, there was a dispute between them. The second accused had sexual intercourse with the victim and promised to marry her. Then, the marriage was performed between the second accused and the defacto complainant in the Esakkiamman Temple and thereafter, they continued with sexual relationship. After, it was came to the petitioner's knowledge and the victim's grandmother, the present complaint lodged before the respondent.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that with the consent of the defacto complainant, the marriage was solemnized in the Esakkiamman Temple. Previously, the defacto complainant had love affair with A1. Even, the petitioner is ready to accept the victim girl.



4.The learned Government Advocate (Crl.Side) for the State produced the 164 statement, it is clearly stated that the victim girl is interested to join with A2, which is contrary to FIR.

5.Considering the facts and circumstances of the case, considering the fact that the marriage was performed between the petitioner and the defacto complainant in the Esakkiamman Temple and the petitioner is interested to join with the defacto complainant and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Mahila Court, Thoothukudi and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(e)on breach of any of the aforesaid conditions, 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 learned 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/04/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
MAHILA COURT, THOOTHUKUDI.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.C.SUSI KUMAR, Advocate SR.No.6597

ORDER

IN

CRL OP(MD) No.5500 of 2019

Date :11/04/2019

MS/MMS/SAR-3/11.04.2019/3P.6C