

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

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6103 of 2019

PARTHIBAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
P.C.PATTI POLICE STATION,
THENI DISTRICT.
Crime No.137/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.NALLAMUTHU 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, who was arrested and remanded to judicial custody since 12.03.2019 for the offences punishable under Section 366(A) @ 366 IPC and Section 4 of POCSO Act Crime No. 137 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant's daughter are lovers. Even during college days they loved each other. On 08.03.2019, the defacto complainant's daughter went along with the petitioner herein to Ariyalur and got married in Pillayar kovil and stay in the friend's house of the petitioner for few days and thereafter the victim joined with her parents. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the victim is major and after attaining majority, marriage was performed and even now he is ready to live with the victim.

4.The learned Government Advocate (Crl.Side) would submit that investigation is almost completed. He has also submitted the 164 Cr.P.C statement given by the victim.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the statement given by the victim in the 164 Cr.P.C Statement, which confirms that they both loved each other and marriage was performed only after she attains majority, 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 Fast Track Mahila Court, Theni District 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 as and when required for interrogation;

(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;

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

TO

1.THE JUDGE,
FAST TRACK MAHILA COURT,
THENI DISTRICT.

2.THE INSPECTOR OF POLICE
P.C.PATTI POLICE STATION,
THENI DISTRICT.

3.THE SUPERINTEDENT,
CENTRAL PRISON, THEKKAMPATTI,
ANDIPATTI TALUK, THENI DISTRICT.

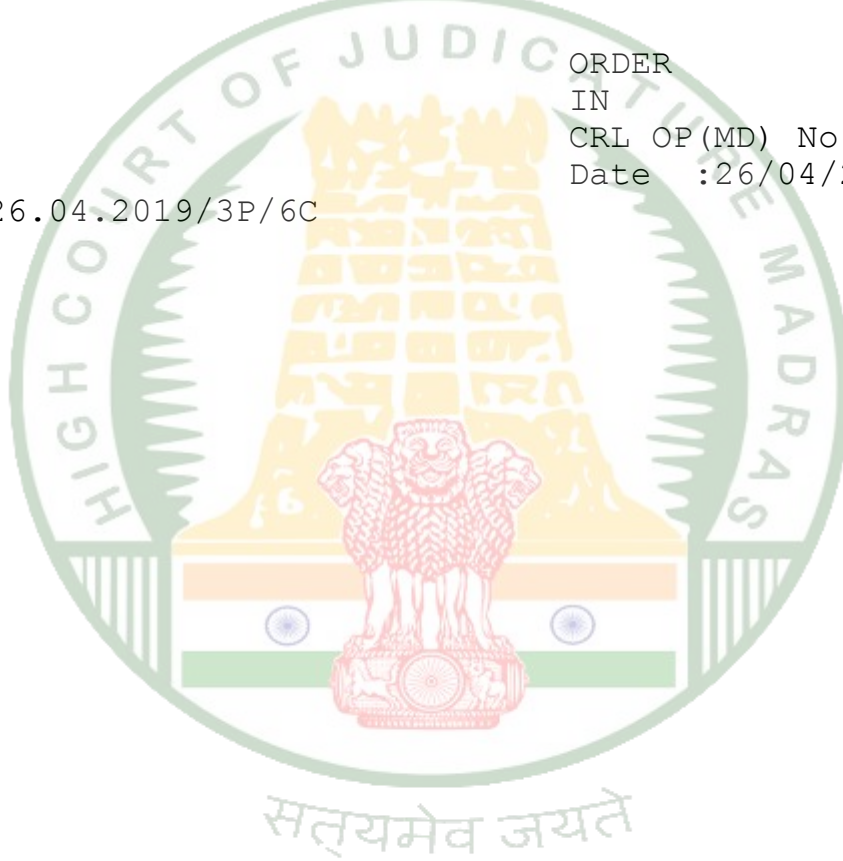
4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.NALLAMUTHU Advocate SR.No.7404

ORDER
IN

CRL OP(MD) No.6103 of 2019
Date :26/04/2019

TK/PN/SAR-3/26.04.2019/3P/6C



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