



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7112 of 2019

M.ARIVALAGAN

... PETITIONER/SOLE ACCUSED

Vs

STATE:

THE INSPECTOR OF POLLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
CRIME NO.63 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.NALLAMUTHU, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 13.03.2019 for the offences punishable under Section 366 I.P.C. and Section 4 of POCSO Act in Crime No.63 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.M.Nallamuthu, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate(Crl.Side) appearing for the State.

3.The case of the prosecution is that the petitioner eloped with the minor victim girl, who is the daughter of the defacto complainant and married her. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 13.03.2019 and he is languishing in the jail for the past 62 days.



5. The learned Government Advocate (Crl.Side) would submit that the statement of the minor victim girl has been recorded under Section 164 Cr.P.C., as required under POCSO Act.

6. On a perusal of the statement of the victim girl, it is seen that the statement of the victim girl has not supported the case of the prosecution and also taking into consideration of the fact that the petitioner has already suffered incarceration for more than 62 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judge, Mahalir Fast Track Court, Theni and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m., until further orders;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
20/05/2019

/ TRUE COPY /

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



TO

1. THE JUDGE, MAHALIR FAST TRACK COURT, THENI

2. THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

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

+1. CC to M/S.M. NALLAMUTHU Advocate SR.No.8676

ORDER

IN

CRL OP(MD) No.7112 of 2019

Date :16/05/2019

SSL

PK/PN/SAR-2/20.05.2019 : 3P/6C