



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

Date : 14/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8286 of 2019

Pandeeswaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Varusanadu Police Station,
Theni District.
Cr.No.64 of 2019

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

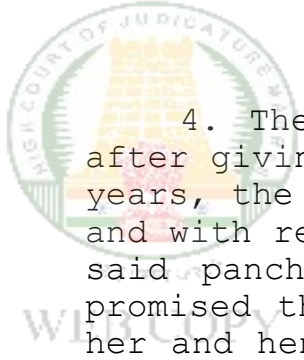
For bail petition in cr.no.64 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 417 of IPC r/w. Section 4 of POSCO Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is working in Army and without his knowledge his parents gave promise to the father of the victim girl(defacto complainant) that they will marry the victim girl to the petitioner and subsequently the petitioner was arrested in another case on 25.04.2019 on the ground that the petitioner has eloped with another minor girl and hence the defacto complainant gave a false complaint against the petitioner. He further submitted that the petitioner is not at all having any physical contact with the victim girl. He further submitted that in the connected case, the petitioner got bail. He further submitted that the petitioner was arrested through P.I warrant on 09.05.2019 and remanded to judicial custody. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that after giving false promise with the victim girl who is aged about 17 years, the petitioner had sexual relationship with her on 10.06.2017 and with regard to the said incident a panchayat was held and in the said panchayat the petitioner has admitted the said offence and promised that after the victim girl attains majority he will marry her and hence the defacto complainant and her daughter were waiting for marriage. But in the meanwhile on 23.04.2019 the petitioner eloped with another minor girl. Hence the defaco complainant has lodged a complaint on 29.04.2019. He further submitted that the victim girl has given a statement under Section 164 Cr.P.C and in the said statement she has stated that the petitioner herein had sexual relationship with her. Hence he strongly opposed to grant bail to the petitioner.

5. CD file perused. The medical certificate of the victim girl has been enclosed with the CD file. In the said medical certificate, the doctor has opined that the hymen was intact and the said victim girl was not subjected to rape. Taking into consideration the medical certificate issued by the doctor and also considering the fact the petitioner is in custody from 09.05.2019, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Mahila Court, Theni.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/06/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
MAHILA COURT, THENI.

2. THE OFFICER INCHARGE, DISTRICT PRISON,
THENI.

3. THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.9720

ORDER

IN

CRL OP(MD) No.8286 of 2019

Date :14/06/2019

MS/VR/SAR-2/14.06.2019/3P.6C